765.

SUPREME COURT OF THE UNITED STATES.

No. 81.

SARAH I. JEWELL ET AL., PLAINTIFFS IN ERROR,

vs.

BENJAMIN JEWELL ET AL.

IN ERROR TO THE CIRCUIT COURT U. S. FOR THE DISTRICT OF SOUTH CAROLINA.

INDEX.

	Original.	Print.
Writ of Error	1	3
Citation	3	3
Service	4	4
Declaration in ejectment	5	4
Consent rule	12	9
Plea not guilty	13	9
Joinder of issue and 1st mis-trial	14	10
2d mis-trial	16	11
Trial	17	12
Commission to examine Sheftall and Cuyler	18	12
Receipt of Sophie Prevost (1796)	29	20
Ginstetti's evidence, from Judge Lee's notes	30	21
Commission No. 1, to examine J. L. and S. I. Joseph	31	21
" No. 2, " "	40	28
Certificate of marriage of Benj'n Jewell and Sarah Isaacs	51	34
Articles of agreement between B. Jewell and Sophie Prevost	55	37
And receipt of Sophie Prevost, dated 1810 and 1811	57	38
Depositions of Robert Howard	61	41
" John Barré	62	42
Commission No. 1, to examine F. V. Bouis, Chs. Poydras, A. Planteriguez, P. L. L'Hermite, A. Beauvais and G. De Lamar	63	42
Commission No. 2, to examine G. De Lamar and P. L. L'Hermite	75	51
Depositions of Col. R. Howard	88	59
" Peter Catonnet	88	59
" Jno. H. Berry, taken by Judge Lee	95	64
Commission to examine John Haupt and Isaac Minis	100	67
Depositions of J. F. Plumeau	112	75
" The Rev. Mr. Poznanski	116	77
Release from Sophia Storn to Daniel Jewell	120	80
Depositions of Sophia Storn	121	80
" H. A. De Saussure	129	86
" John Hunter	130	86

	Original.	Print.
Commission to examine Stephen Smith, Geo. Robinson and Mrs. Duncan	131	87
" " Samuel Hyams	139	92
Depositions of Morris Goldsmith	153	101
" Dr. Jacob De la Motta	154	102
Renunciation of Dower, by Sophie Jewell	155	103
" " Sarah I. Jewell	156	103
Depositions of Charles A. Magwood	160	106
" Joseph W. Page	160	106
" Anthony Barbot	161	106
" C. F. Matthieson	162	107
" R. W. Pooler	163	107
Commission to examine Levi S. D'Lyon	173	114
Depositions of John H. Berry, from notes of evidence taken by Judge Lee, and by M. King, Esq.	182	120
First bill of exceptions	184	121
Second bill of exceptions	185	122
Verdict and judgment	189	124
Bond	191	125
Clerk's certificate	193	127

S. D. Langtree, Print.

The President of the United States, to the Justices of the Circuit Court of the United States, for the Sixth Circuit, greeting:

Forasmuch as in the record and proceedings, as also in the giving of judgment, in an action of ejectment in the said court, wherein John Doe, lessee of Sarah Isaac Jewell and others, was plaintiff, and Benjamin Jewell and others were defendants, manifest error hath intervened to the great damage of the said John Doe, as by his complaint we are informed:

We, willing that the said error, if any, be duly amended and full and speedy justice done to the said parties in this behalf, command you, that if judgment be thereupon rendered, you send to the Justices of the Supreme Court of the United States, distinctly and openly, under your seals, the record and proceedings of the action aforesaid, with all things concerning the same, and this writ, so that they may have them in the said court at Washington, on the second Monday in January next; that inspecting the record and process aforesaid, they may cause further to be done therein, as to justice and right may appertain.

Witness R. B. Taney, Chief Justice of the United States, at Washington, the eleventh day of January, anno Domini 1841, and in the 65th year of the sovereignty and independence of the United States of America.

Issued at the office, in the city of Charleston, under the [L. S.] seal of said Circuit Court, the eleventh day of May, A. D. one thousand eight hundred and forty-one.

H. Y. GRAY,
Clerk of the Circuit Court of the United States,
For the 6th Circuit, So. Carolina Dist.

The President of the United States to Benjamin Jewell, Samuel Rickenbacker, and Juliana, his wife, Joseph Jewell, Verg Aigné, and Hannah, his wife, Jacob Myers, and Delia, his wife, Daniel Jewell and Washington Jewell.

Forasmuch as we are informed, that in the record and proceedings, as well as in rendering judgment in an action in the Circuit Court of the United States, for the Sixth Circuit, and District of South Carolina, between John Doe, on the demise of Sarah Isaacs Jewell, and others, against you, the said Benjamin Jewell, Samuel Rickenbacker, and Juliana, his wife, Joseph Jewell, Verg Aigné, and Hannah, his wife, Jacob Myers, and Delia, his wife, Daniel Jewell and Washington Jewell, manifest error, as it is said, intervenes; the record and proceedings in which case, we have lately

caused to be brought before our Supreme Court, by writ of error: We, being willing that justice should be done, command you to be and appear before the Justices of the Supreme Court, at Washington, on the second Monday in January next, to hear the record and proceedings aforesaid, and further to do and receive what shall be then and there enjoined you.

Witness the honorable Robert B. Gilchrist, Judge of the District Court of the United States for the District of South Carolina, at Charleston, the eleventh day of May, anno Domini one thousand eight hundred and forty-one, and in the sixty-fifth year of the sovereignty and independence of the United States of America.

R. B. GILCHRIST,
Judge of the United States, for the District of South Carolina.

Clerk's Office, Charleston, November 16th, 1841.

DISTRICT OF SOUTH CAROLINA, *sct.*

In obedience to the within writ, I herewith transmit to the Supreme Court of the United States, a full and complete transcript of the record and proceedings of the Circuit Court of the United States for the District of South Carolina, in a certain suit lately pending in said court, wherein Roe, ex dem. S. I. Jewell et al. was plaintiff, and Benjamin Jewell & al., defendants.

H. Y. GRAY, *Clerk of the Circuit Court of the United States for the District of South Carolina.*

THE UNITED STATES OF AMERICA,
District of South Carolina, sct.

ROE, *ex dem.* S. I. Jewell *et al.*
vs.
BENJAMIN JEWELL. } Ejectment.

Be it remembered, that heretofore, to wit, on the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-four, the plaintiff in the above cause, by Messrs. Petigru and Lesesne, his attorneys, filed in the office of the clerk of the Circuit Court of the United States for the district aforesaid, his declaration in ejectment and notice in the above stated case, in the words and figures following, to wit:

Declaration and Notice.

THE UNITED STATES OF AMERICA,
Sixth Circuit, South Carolina District, to wit:

John Doe, a citizen of South Carolina, was attached to answer

to Richard Roe, a citizen of Louisiana, wherefore with force and arms, he entered into a house and lot situate, lying and being at the corner of East Bay street and Unity alley, in the city of Charleston, and State of South Carolina aforesaid, with the rights, members and appurtenances thereunto belonging, which S. I. Jewell, a citizen of the State of Louisiana, Lewis D'Aigre, and Isabella, his wife, citizens of Louisiana, Henry L. Camp, and Amelia, his wife, citizens of Illinois; Maria Jewell, a citizen of Louisiana, Clarissa Jewell, a citizen of Louisiana; Jane Jewell, a citizen of Louisiana, and Alexander Jewell, a citizen of Louisiana, demised to the said Richard Roe, for a term not yet expired, and ejected him from his said term; and also why, with force and arms, the said John Doe entered into one-third part of another house and lot situate, lying and being at the corner of East Bay street and Unity alley, in the city of Charleston and State of South Carolina aforesaid, with the rights, members and appurtenances thereunto belonging, which the said S. I. Jewell demised to him, the said Richard Roe, for a term of years not yet expired, and ejected him from his said term; and also wherefore, with force and arms, the said John Doe entered into one undivided ninth part of the said last mentioned house and lot, which Lewis D'Aigre, and Isabella, his wife, demised to him, the said Richard Roe, and ejected him therefrom; and also wherefore, with force and arms, he, the said John Doe, entered into one other undivided ninth part of the same house and lot last mentioned, which Henry L. Camp and Amelia, his wife, demised to him, the said Richard Roe, and ejected him therefrom; and also wherefore, with force and arms, he, the said John Doe, entered into one other undivided ninth part of the said last mentioned house and lot which Maria Jewell demised to him, the said Richard Roe, and ejected him therefrom; and also wherefore, with force and arms, he, the said John Doe, entered into one other ninth part of the same house and lot last mentioned, which Clarissa Jewell demised to him, the said Richard Roe, and ejected him therefrom; and also wherefore, with force and arms, he, the said John Doe, entered into one other ninth part of the same house and lot last mentioned, which Jane Jewell demised to him, the said Richard Roe, and ejected him therefrom; and also wherefore, with force and arms, he, the said John Doe, entered into one other undivided ninth part of the said last mentioned house and lot, which Alexander Jewell demised to him, the said Richard Roe, and ejected him therefrom.

And thereupon, the said Richard Roe, by Petigru and Lesesne, his attorneys, complains, for that the said S. I. Jewell, Lewis D'Aigre, and Isabella, his wife; Henry L. Camp, and Amelia, his wife; Maria Jewell, Clarissa Jewell, Jane Jewell, and Alexander Jewell, heretofore, to wit, on the ninth day of November, which was in the year of our Lord one thousand eight hundred and twenty-eight, at Charleston in the district aforesaid, had demised to the

said Richard Roe, the tenements first above mentioned, with the appurtenances; to have and to hold the same to him, the said Richard Roe and his assigns, from the ninth day of November aforesaid, during and unto the full end and term of twenty years, from thence next ensuing, to be completed and ended, by virtue of which said demise, the said Richard Roe entered into and was possessed of the said premises; and being so possessed, the said John Doe afterwards, to wit, on the first day of December, in the year of our Lord one thousand eight hundred and twenty-eight, with force and arms, at Charleston aforesaid, entered into the said premises, which the said S. I. Jewell, Lewis D'Aigre, and Isabella, his wife, Henry L. Camp, and Amelia, his wife, Maria Jewell, Clarissa Jewell, Jane Jewell, and Alexander Jewell, had demised as aforesaid, and ejected the said Richard Roe from his said term.

And also for that the said S. I. Jewell, heretofore, to wit, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, had demised unto the said Richard Roe, the one undivided third part of the said premises secondly above mentioned; to have and to hold the same to the said Richard Roe, for and during the term of twenty years thence next ensuing, to be completed and ended; by virtue of which said last mentioned demise, the said Richard Roe entered into, and was possessed of, the said demised premises; and the said Richard Roe, being so possessed, the said John Doe afterwards, to wit, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, with force and arms, at Charleston aforesaid, entered into the last mentioned premises, which Lewis D'Aigre and Isabella, his wife, had demised to the said Richard Roe, in manner aforesaid, for the term aforesaid, and ejected him from his said term.

And also for that the said Henry L. Camp, and Amelia, his wife, heretofore, to wit, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, had demised to the said Richard Roe, one other undivided ninth part of the premises thirdly above mentioned; to have and to hold the same from thenceforward, for and during the term of twenty years thence next ensuing; by virtue whereof, the said Richard Roe entered into the said last mentioned premises, and was possessed thereof; and the said Richard Roe being so thereof possessed, the said John Doe, afterwards, to wit, on the first day of December, in the year of our Lord one thousand eight hundred and twenty-eight, with force and arms, at Charleston aforesaid, entered into the said last demised premises, which the said Henry L. Camp, and Amelia, his wife, had demised to the said Richard Roe, in manner aforesaid, and ejected the said Richard Roe from his said term.

And also for that the said Maria Jewell, heretofore, to wit, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, had demised to the said Richard Roe, one other undivided ninth part of the premises fourthly above

mentioned, for and during the term of twenty years thence next ensuing; by virtue of which said last mentioned demise, the said Richard Roe entered into and was possessed of the said last mentioned demised premises; and the said Richard Roe, being so possessed, the said John Doe, afterwards, to wit, on the first day of December, in the year of our Lord one thousand eight hundred and twenty-eight, with force and arms, at Charleston aforesaid, entered into the said premises, which the said Maria Jewell had demised as aforesaid, and ejected the said Richard Roe from his said term.

And also, for that the said Clarissa Jewell, heretofore, to wit, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, at Charleston aforesaid, had demised unto the said Richard Roe, one other undivided ninth part of the said premises fifthly above mentioned, for and during the term of twenty years thence next ensuing; by virtue of which said demise, the said Richard Roe entered into the last mentioned demised premises, and was possessed thereof; and the said Richard Roe, being so possessed, the said John Doe, afterwards, to wit, on the first day of December, in the year of our Lord one thousand eight hundred and twenty-eight, with force and arms, at Charleston aforesaid, entered into the last mentioned premises, which the said Clarissa Jewell had demised as aforesaid, to the said Richard Roe, and ejected him from the same.

And also, for that the said Jane Jewell, heretofore, to wit, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, had demised to the said Richard Roe, one other undivided ninth part of the premises sixthly above mentioned, for and during the term of twenty years thence next ensuing; by virtue of which last mentioned demise, the said Richard Roe entered into and was possessed of the last mentioned demised premises; and he, the said Richard Roe, being so possessed, the said John Doe, afterwards, to wit, on the first day of December, in the year of our Lord one thousand eight hundred and twenty-eight, with force and arms, at Charleston aforesaid, entered into the said last mentioned demised premises, and ejected the said Richard Roe from his said last mentioned term.

And also, for that the said Alexander Jewell, heretofore, to wit, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, had demised to the said Richard Roe, one other undivided ninth part of the premises seventhly above mentioned, for and during the term of twenty years from thence next ensuing; by virtue of which last mentioned demise, the said Richard Roe entered into and was possessed of the said last mentioned premises; and the said Richard Roe, being so possessed, the said John Doe, afterwards, to wit, on the first day of December, in the year of our Lord one thousand eight hundred and twenty-eight, with force and arms, at Charleston aforesaid, entered

into the said last demised premises, which the said Alexander Jewell had demised aforesaid, and ejected the said Richard Roe from his last mentioned term; and other wrongs and enormities to the said Richard Roe, then and there did, to his damage two thousand dollars.

PETIGRU & LESESNE,
Plaintiffs' Attorneys.

Notice.

To Mr. Benjamin Jewell:

Sir,—I am informed that you are in possession of, or claim, title to the premises in this declaration mentioned, or some part thereof; and I, being sued in the action as a casual ejector, and having no claim or title to the premises, do advise you to appear in the court of the United States at Charleston, on the next rule day, being the first Monday in January next, by some attorney of that court, then and there, by rule of the same court, to cause yourself to be made defendant in my stead, otherwise I shall suffer judgment to go against me, and you will be turned out of possession.

Your loving friend,
JOHN DOE.

A copy of the aforesaid declaration and notice was duly served on Claus Dascher (the tenant,) and Daniel Jewell, as per return made, to wit:

Marshal's Return.

Marshal's office, South Carolina Dist., Charleston, *December 20th*, 1834.

Roe, ex. dem. S. I. Jewell, et al., *vs.* Benjamin Jewell. } Declaration in Ejectment.

I do hereby certify to the honorable, the Judges of the Circuit Court of the United States, for South Carolina district, that I have personally served Claus Dascher (the tenant,) and Daniel Jewell, with true copies of the declaration in this case, now filed in the clerk's office. And I do further certify, that at the time of such service, I read to and explained to the said Claus Dascher and Daniel Jewell, the notice written at the foot of the said copy of the declaration.

MORRIS GOLDSMITH,
Deputy Marshal U. S., So. Ca. Dist.

And thereupon, afterwards, the consent rule was filed, and is in form following, to wit:

Consent Rule.

ROE, ex dem. S. I. JEWELL, of a house and lot on East Bay street, Charleston.

It is ordered, by consent of the attorneys of both parties, that Benjamin Jewell, Samuel Rickenbacker and Juliana, his wife, Jacob Myers, and Delia, his wife, Daniel Jewell and Washington Jewell, may be made defendant in the place of the now defendant, John Doe, and shall immediately appear to the plaintiffs' action, and shall receive a declaration in a plea of trespass and ejectment of the tenements in question, and shall immediately plead thereto not guilty; and, upon the trial of the issue, shall confess lease, entry and ouster, and insist upon his title only. And if, upon the trial of the issue, the said defendant do not confess lease, entry and ouster, and by reason thereof the plaintiffs cannot prosecute their writ, then the taxation of costs upon such non pros. shall cease, and the said defendants shall pay such costs to the plaintiffs as by the court here shall be taxed and adjudged, for such his default in the non-performance of this rule—and judgment shall be entered against the said John Doe, now the casual ejector, by default.

And it is further ordered, that if, upon the trial of the said issue, a verdict shall be given for the defendant, or if the plaintiffs shall not prosecute their writ upon any other cause than for the not confessing lease, entry and ouster, as aforesaid, then the lessor of the plaintiffs shall pay costs, if the plaintiff himself do not pay them.

PETIGRU & LESESNE,
Pl'ffs Att'y.

By the court.

B. F. HUNT, *Def'ts Att'y.*

And, afterwards, the plea of not guilty was filed, and is in form following, to wit:

Plea—Not Guilty.

Benjamin Jewell, Samuel Rickenbacker and Juliana, his wife, Joseph Jewell, Verg Aigne, and Hannah, his wife, Jacob Myers and Delia, his wife, Daniel Jewell and Washington Jewell, come and defend the wrong and injury, when, and so forth, and say they are not guilty thereof, and of this they put themselves on the country.

BENJ'N F. HUNT, *Def'ts Att'y.*

And at the same time the plaintiff, by his said attorneys, joined issue as follows:

Joinder of Issue.

And the said plaintiff doth the like.

PETIGRU & LESESNE, *Pltff's Att'ys.*

And afterwards, to wit, at the April term of the said Circuit Court, in the year of our Lord one thousand eight hundred and thirty-seven, in the record of proceedings of said court, is the following entry:

S. I. JEWELL,
vs.
B. JEWELL.

On motion of Mr. Hunt, defendant's attorney, and no objection being made by plaintiff's attorney, ordered that this case be continued.

First Mis-trial.

And afterwards, to wit, at the April term of said Circuit Court, in the year of our Lord one thousand eight hundred and thirty-nine, at Charleston, before the honorable James M. Wayne, and the honorable Thomas Lee, Judges of the said Circuit Court, the issue so as aforesaid joined, between the said parties, came on to be tried before a jury for that purpose empannelled, at which time came there as well the said plaintiff as the said defendants, by their attorneys aforesaid, and the jurors of the jury aforesaid empannelled, being called, also came, to wit:

Robert Thurston, (foreman,)	E. Whitty,
John White,	J. F. O'Hear,
R. C. Geyer,	Joshua Neville,
A. Ottolengin,	B. D. Lazarus,
T. M. Hasell,	R. B. Lawton,
C. C. Chitty,	William Estill.

Who were duly sworn to try the said issue. And in the record of proceedings of said court, on the thirtieth day of April, in the year last aforesaid, is the following entry:

S. I. JEWELL,
vs.
B. JEWELL.

The following witnesses were sworn and examined: J. H. Benny, R. Irving, S. Moses, J. F. Plumeau, A. Barbot.

The written evidence was read.

The defendants' attorney offered, in evidence, the examination of Sophia Storne (formerly Sophia Provost, or Sophia Jewell,) the plaintiff's attorney objected. The court overruled the objection, and received the evidence under decisions made in this State.

In consequence of the sudden indisposition of one of the jurors, the court adjourned the case over until to-morrow.

And in the record of proceedings of said court, on the first day of May, in the year last aforesaid, is the following entry:

JEWELL, *vs.* JEWELL.

It was represented that the juror who was indisposed yesterday was still unable to attend.

And in the record of proceedings of said court, on the second day of May, in the year last aforesaid, is the following entry:

S. I. JEWELL, *vs.* B. JEWELL.

One of the jurors, C. C. Chitty, sworn in this case, having been taken sick in its progress, ordered that mis-trial be entered and the case retained on the docket.

Second Mis-trial.

And afterwards, to wit, at the same April term of said Circuit Court, in the year of our Lord one thousand eight hundred and thirty-nine, at Charleston, before the honorable Thomas Lee, one of the Judges of the said Circuit Court, the issue, so as aforesaid joined between the said parties, came on to be tried before another jury for that purpose empannelled, at which time came there as well the said plaintiff as the said defendants, by their attornies aforesaid, and the jurors of the jury empannelled, as aforesaid, being called, came, to wit:

John Kirkpatrick, (foreman,)	H. F. Gefkin,
William Holmes,	James Heilbron,
George Gibbon,	James Welsman,
John Harrison,	Elias Levy,
John Stent,	Thomas Wigfall, Jr.,
B. Gonzalez,	Thomas F. Pruse.

Who were duly sworn to try the said issue. And the jury last aforesaid, not agreeing of their verdict, on the twenty-fourth day of May, in the year last aforesaid, were discharged.

On which said day, in the record of proceedings of said court, is the following entry:

S. I. JEWELL,
vs.
B. JEWELL.

The jury to whom this case was submitted yesterday, and who have been confined considering the same, communicated to the court that there was no probability of their agreeing to a verdict. Their names being called, and all not answering, ordered that they be discharged from the further consideration of the case.

Trial.

And afterwards, to wit, at the April term of the said Circuit Court, in the year of our Lord one thousand eight hundred and forty-one, at Charleston, before the honorable James M. Wayne, and the honorable Robert B. Gilchrist, Judges of the said Circuit Court, came the parties aforesaid, by their respective attornies aforesaid; and thereupon, also, came a jury, to wit: Joseph A. Winthrop, (foreman,) T. R. Chew, Geo. Taylor, Edmund O'Neille, J. W. Caldwell, N. F. Petit, Robert Adger, Frederick Hilgen, Joseph N. Harper, John Clarken, Joseph P. McCall, and J. J. Catherwood, twelve good and lawful men, who were duly chosen and sworn to try the issue, so as aforesaid joined, between the said parties; and in the record of proceedings of the said court, on the twenty-first day of April, in the year last aforesaid, is the following entry:

S. I. JEWELL, et al.
vs.
BENJAMIN JEWELL, and al.

On motion of the plaintiff, by his attorneys, it is ordered that he have leave to amend his declaration, by extending the demise to twenty years.

And the counsel, learned in the law, for the said plaintiff in this suit, to maintain and prove the said issue on his part, produced and read in evidence the depositions of witnesses, taken under commissions issued for their examination in this case, certain documents, and extracts from the notes of evidence, taken by one of the judges of the said court, at a former trial of this case, which said commissions, depositions, documents, and extracts from notes of evidence, are in the words and figures following, to wit:

Commission to examine Hon. Jeremiah Cuyler and Mordecai Sheftal, Esq.

The United States of America, Sixth Circuit, to Levy S. D'Lyon, William Henry Stiles, and Charles S. Henry, Esquires, greeting:

Whereas, a certain cause is now depending before the Judges of

the Circuit Court of the Sixth Circuit, wherein Roe, dem. Sarah I. Jewell, and others, are plaintiffs, and Benjamin Jewell, and others, are defendants; and it being necessary to the investigation of the said cause, that certain persons, viz: the Hon. Jeremiah Cuyler and Mordecai Sheftal, Esq., resident in Savannah, in the State of Georgia, should be examined on certain interrogatories: Now, know ye, that in confidence of your prudence, ability and integrity, you are by virtue of these presents appointed, and full power and authority are given hereby to you, or any two or more of you, diligently to examine all witnesses whatsoever, upon certain interrogatories, to be exhibited to you, as well on the part of the said plaintiffs, as on the part of the said defendants, or either of them; and therefore you, any two or more of you, are hereby authorized and required, on certain days and at certain places, *or* to be appointed by you for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them, apart, on the said interrogatories, on their respective corporal oaths, first taken before you, or any two or more of you, and to take such, their examinations, and reduce them into writing on paper; and when you shall have so taken them, to send the same to the Judges of the said Court of the United States of America, for the Sixth Circuit, closed up, and under your seals, distinctly and plainly set, together with the said interrogatories and this writ.

And you and every of you, are hereby further required, that before you act in, or be present at the swearing or examining of any witness or witnesses, you do severally take the oath first specified in the schedule hereunto annexed.

And you, any two or more of you, are hereby authorized and empowered, jointly or severally, to administer such oath to the rest, or any other of you; and you are hereby further authorized and required, jointly or separately, to administer the oath last specified in the said schedule hereunto annexed, to all and every of the clerks, or clerk, employed in taking, transcribing or engrossing the deposition or depositions of witnesses so examined, by virtue of these presents, before they, or he, shall be permitted to act as clerks, or clerk, or be present at such examination.

Witness the Hon. Roger B. Taney, Chief Justice of the United States of America, this first day of September, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the sovereignty and independence of the United States of America.

[L. S.]

JAMES JERVEY,
Dist. Cl'k.

Commissioners' Oath.

You shall, according to the best of your knowledge, truly, faithfully, and without partiality to any or either of the parties in this

cause, take the examination and deposition of all and every witness and witnesses, produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now produced and left with you.

And you shall not publish, disclose, or make known to any person or persons whatsoever, except the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other commissioners in the commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of the court. So help you God.

CHARLES S. HENRY,
LEVI S. D'LYON.

Sworn to and subscribed, according to the directions contained in the foregoing commission, this 27th October, 1836.

LEVI S. D'LYON,
CHARLES S. HENRY. } *Commis.*

Clerk's Oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take, and write down, transcribe and engross the depositions of all and every witness and witnesses, produced before and examined by the commissioners, or any of them named in the commission hereunto annexed, as far forth as you are directed and employed, by the said commissioners, or any of them, to take and write down and engross the said depositions, or any of them. And you shall not publish, disclose or make known to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken, or written down, transcribed or engrossed by you, or whereto you shall have recourse, or be any ways privy, until publication shall pass by rule or order of the court. So help you God.

Instructions for the Commissioners.

The commissioners must first attend to the instructions contained in the commission; after which, when they are proceeding to business, they will put the first interrogatory to the first witness produced, and set down his answer thereto, on the sheet entitled "Deposition of witnesses sworn and examined," &c. When done with this, they will put the second interrogatory, and set down his answer to that also, and so on, till they have finished putting the interrogatories to him. They will then proceed to examine such other witnesses as may be produced; in which case they will entitle their depositions in the same manner as those of the first, with

the difference of the parties' name, age, &c. They will then fix and seal the several sheets together, and set their hands and seals at the bottom of the whole, and their hands to each sheet, leaving the covering sheet on the outside of the whole. Then enclose the whole, commission and all, in a large paper, well sealed up with their seals, with their names affixed thereto; and having first endorsed the packet on a corner thereof, with the names of the parties, in the same manner as is done on the covering sheet of the depositions, direct the same to James Jervey, Esq., Clerk of the United States District Court, Charleston, South Carolina.

If this commission is returned by post, one of the commissioners, who examined the witness, must endorse and sign a certificate that the same was lodged by himself in the post-office, at Savannah.

N. B.—Should the sheets annexed not be sufficient, the commissioners can easily tack others thereto, putting the covering sheet over the whole. And two of the commissioners will be sufficient to take the examination.

SARAH I. JEWELL, *vs.* BENJAMIN JEWELL. } Ejectment.

Interrogatories to be proposed to the Hon. Jeremiah Cuyler and Mordecai Sheftal, Esq., witnesses, residing in Savannah, to be examined on behalf of the plaintiff.

1. Do you know the parties in this case, plaintiff and defendant, or either of them?

2d. Did you know the late Benjamin Jewell, who resided in Savannah, about the year 1796?

3d. Do you know Sophia Prevost, the person who lived with Benjamin Jewell, in Savannah, in the situation of wife or housekeeper?

4th. Look at the paper herewith shewn you, and say whether you know the handwriting of the witnesses, Charles Harris and George I. Hull, thereto subscribed? Who and what were they? are they living or dead? Are the signatures of the said witnesses genuine or not?

Note.—See receipt, post, folio 30.

5. What was the reputation respecting the connexion between Benjamin Jewell and the person mentioned in that paper? Were they, or were they not, considered as married?

6. Do you, or do you not know, by what name the female who lived with Jewell went? Was she, or was she not, known by any other name than Sophia Prevost?

7. Was, or was not, Benjamin Jewell a Hebrew, or Israelite? Is, or is not, marriage contracted among the Hebrews by a solemn ceremony? If Benjamin Jewell and Sophia Prevost had been married in Savannah, would or would not the fact have been necessarily known?

8. If Benjamin Jewell and Sophia Prevost had come to Savannah as man and wife, would, or would not, the records of the Synagogue attest the fact?

9. Have you ever ascertained whether there is, among the records of the Israelites in Savannah, any thing that tends to show that Benjamin Jewell and Sophia Prevost were, or were not, man and wife?

10. How long did Benjamin Jewell live in Savannah? Did he and Sophia Prevost come there together, or was the connexion between them formed there? When did he leave Savannah, and where did he go to?

11. Do you know any thing else that may tend to shew that Benjamin Jewell and Sophia Prevost were not married, but lived in concubinage? If so, declare the same fully.

PETIGRU & LESESNE,
Plaintiffs' Attorneys.

BENJAMIN JEWELL, et al.
ads.
SARAH I. JEWELL, and al.

Cross-interrogatories for the honorable Jeremiah Cuyler and Mordecai Sheftal, witnesses, to be examined for the plaintiffs.

1st. Have you ever seen Charles Harris write his name?

2d. Have you ever seen George A. Hull write his name?

3d. Do you know the fact that the said Harris and Hull are both dead? When and where did Hull die? When and where did Harris die?

4. How long since you have seen either of them write their names? Is your remembrance of their signatures distinct, so as to enable you to speak of them with any degree of confidence?

5. Were you acquainted with Sophia Prevost and Benjamin Jewell, in the year 1796? Was that acquaintance of a very intimate kind? How long did it continue? Did you visit their house? Did Benjamin Jewell ever represent said Sophia to you as his kept mistress?

6. Did you never hear her called Mrs. Jewell?

7. If you know of any other matter serving to shew that said Sophia was treated by said Benjamin as his wife, please state the same as if specially interrogated thereto.

B. F. HUNT,
Def'ts Att'y.

SARAH I. JEWELL,
vs.
BENJAMIN JEWELL. } Ejectment.

Depositions of witnesses sworn and examined before the undersigned commissioners, by virtue of a commission issuing out of the honorable the Sixth Circuit Court of the United States, for the District of South Carolina, and taken at the city of Savannah, this twenty-seventh day of October, eighteen hundred and thirty-six.

Mordecai Sheftall, sen., Esq., attorney at law, aged fifty years, being sworn and examined, answered as follows to the direct interrogatories:

1st Direct Interrogatory.—The witness answers and says, that he is not acquainted with either of the above named parties.

2d Direct Interrogatory.—The witness answers and says, that he was not acquainted with Benjamin Jewell.

3d Direct Interrogatory.—The witness answers and says, that he was never acquainted with Sophia Prevost, the person referred to in the third direct interrogatory.

4th Direct Interrogatory.—The witness answers and says, that he has examined the paper exhibited to him, with the names of Charles Harris, and Geo. I. Hull, and from his having been a student in the office of said Charles Harris for many years, and having seen him write and sign his name frequently, he believes the signature of Charles Harris to said paper to be his genuine signature. With the signature of George I. Hull he has no acquaintance. The witness knows Charles Harris to be dead, but does not know whether George I. Hull is in life or dead.

5th Direct Interrogatory.—The witness says he knows nothing in relation to the fifth direct interrogatory.

6th Direct Interrogatory.—The witness says he does not know.

7th Direct Interrogatory.—The witness says he did not know Benjamin Jewell, but by reputation. That marriage contracted among the Hebrews is a solemn ceremony. If Benjamin Jewell and Sophia Prevost had been married in Savannah, the fact might have been known to some persons, but is not known to witness. Witness does not know, of his own knowledge, that Benjamin Jewell was an Israelite.

8th Direct Interrogatory.—The witness answers and says he does not know, nor does he suppose the records would necessarily attest the fact.

9th Direct Interrogotary.—The witness answers and says he has not.

10th Direct Interrogatory.—The witness answers and says he knows nothing of the facts inquired of by this interrogatory.

11th Direct Interrogatory.—The witness answers and says he knows nothing further.

MOR. SHEFTALL, *Senr.*

Sworn to before us, this 27th October, 1836.
CHARLES S. HENRY, *Commissioner.*
LEVI S. D'LYON, *Commissioner.*

The witness being further examined, answered to the cross interrogatories as follows:

1st Cross Interrogatory.—The witness answers and says that he has seen Charles Harris write his name for many years, having been a student in his office as many as six years.

2d Cross Interrogatory.—The witness answers and says he was never acquainted with Geo. I. Hull, nor did he ever see him write.

3d Cross Interrogatory.—The witness answers and says that Charles Harris is dead, and died at Savannah. Witness was at his funeral. He has no knowledge whether George I. Hull is living or dead.

4th Cross Interrogatory.—The witness answers and says that he saw Charles Harris sign his name some few months before his death; that he was in the habit of daily intercourse with him; and his remembrance of his signature and handwriting is so distinct as to enable him to speak with confidence in relation to them.

5th Cross Interrogatory.—The witness says he knows nothing in relation to this cross interrogatory.

6th Cross Interrogatory.—The witness says he knows nothing in relation to this cross interrogatory.

7th Cross Interrogatory.—The witness answers and says he knows nothing further which can benefit the defendant.

MOR. SHEFTALL, *Senr.*

Sworn to and subscribed before us, this 27th October, 1836.
CHARLES S. HENRY, *Commissioner.*
LEVI S. D'LYON, *Commissioner.*

The honorable Jeremiah Cuyler, aged sixty-eight years, being sworn and examined, answered as follows to the direct interrogatories:

1st Direct Interrogatory.—The witness answers and says he is not acquainted with either of the above named parties.

2d Direct Interrogatory.—The witness answers and says that he is confident in the belief that he did know Benjamin Jewell, who resided in the city of Savannah, in the year 1796.

3d Direct Interrogatory.—The witness answers and says that he has no recollection of Sophia Prevost, named in this interrogatory.

4th Direct Interrogatory.—The witness answers and says that he was well acquainted with Charles Harris and George I. Hull, named in this interrogatory, and was well acquainted with their hand-writing; that he has examined the paper therein referred to, and the

signatures of said Charles Harris and George I. Hull, as witnesses to said paper, are the genuine signatures of the said Charles Harris and George I. Hull. Charles Harris was a counsellor at law, residing in the city of Savannah, and is now dead. George I. Hull, when witness knew him, was a Deputy Marshal of the District of Georgia, and is now dead, to the best of witness's knowledge and belief, having seen his wife in mourning for him.

5th Direct Interrogatory.—Witness knows nothing in relation to the fifth direct interrogatory.

6th Direct Interrogatory.—The witness answers and says that he knows nothing in relation to this interrogatory.

7th Direct Interrogatory.—The witness answers and says that, to the best of his knowledge, he was, or passed as such. Marriage among the Hebrews is a solemn ceremony. Witness has been present at a Hebrew marriage. If Benjamin Jewell and Sophia Prevost had been married in Savannah, the fact would have been known to some person; but it is not known to witness.

8th Direct Interrogatory.—The witness says he does not know.

9th Direct Interrogatory.—The witness says he has not.

10th Direct Interrogatory.—The witness cannot say how long Benjamin Jewell lived in Savannah, but he lived long enough in the city to be well known to witness. Witness does not know any thing of the connection between Benjamin Jewell and Sophia Prevost. Witness cannot say when Benjamin Jewell left Savannah, or to where he removed.

11th Direct Interrogatory.—The witness says he does not know any thing further which can benefit the plaintiff.

J. CUYLER.

Sworn to and subscribed before us, this 27th October, 1836.
CHARLES S. HENRY, *Commissioner.*
LEVI S. D'LYON, *Commissioner.*

The witness being further examined, answered as follows to the cross interrogatories:

1st Cross Interrogatory.—The witness says he has seen Charles Harris write his name very frequently. Witness has seen George I. Hull write his name very often.

2d Cross Interrogatory.—Witness says this interrogatory is answered in the first.

3d Cross Interrogatory.—The witness answering, says that Geo. I. Hull died in Augusta, or its neighbourhood, as he believes, about fifteen or twenty years ago. Charles Harris died in Savannah, about five or six years ago. Witness was at his funeral.

4th Cross Interrogatory.—Witness says he has not seen George I. Hull write since the year 1794, to his recollection. Witness saw Charles Harris write some short time before his death, and

his recollection of their hand-writing is so distinct as to enable him to speak in relation to them with confidence.

5th Cross Interrogatory.—Witness says he knows nothing in relation to this interrogatory.

6th Cross Interrogatory.—Witness says he knows nothing in relation to this interrogatory.

7th Cross Interrogatory.—Witness knows nothing in relation to this interrogatory, nor nothing further which can benefit the defendant.

J. CUYLER.

Sworn to and subscribed before us, this 27th October, 1836.

CHARLES S. HENRY, *Commissioner*, [L. S.]
LEVI S. D'LYON, *Commissioner*. [L. S.]

Receipt, from Sophie Prevost, referred to in the foregoing depositions.

Savannah, 10th March, 1796.

Received of Benjamin Jewell, the sum of five hundred dollars, in full for the cause of action which I brought against him on a promise of marriage; which sum of five hundred dollars I acknowledge to be in full compensation, and from which I do release and exonerate the said Benjamin Jewell of all actions, demands or engagements whatsoever, from the beginning of the world to the present day; and also, I do covenant not to sue or make any demand for, or on account of any amorous affections which may in future take place between us; the said five hundred dollars being not only for former, but future services.

SOPHIE PREVOST.

Witness:
CHARLES HARRIS,
GEO. I. HULL.

GEORGIA, *Chatham County*.

Clerk's Office Sup'r Court.

Personally appeared Charles Harris, Esquire, one of the subscribing witnesses to the within receipt, who, being duly sworn, saith that he was present, and did see the parties to the same duly execute and deliver the same for the purposes therein contained; and that Geo. I. Hull also subscribed his name at the same time with this deponent, as a witness thereto.

CHARLES HARRIS.

Sworn to before me, this 8th August, 1796.

J. SMITH, *C. S. C. C. C.*

GEORGIA, *Chatham County.*

Clerk's Office, Sup'r Court.

Recorded in Book 2, folios 155 and 156, and examined this 29th day of August, 1796, by

J. SMITH, *C. S. C. C. C.*

Extract from Notes of Evidence, taken by Judge Lee, at a former Trial.

For Plaintiff, Mr. Gustetti.—Proves hand-writing of Sophia Prevost; lived about six years in the house of Storne, and knows her hand-writing; proves the three.

The Commission (No. 1), to examine Joseph L. Joseph and Sol. I. Joseph.

THE UNITED STATES OF AMERICA,
South Carolina District, Circuit Court.

The State of South Carolina, to John W. Mitchell, Esq., greeting:

Whereas, a certain cause is now depending in the Circuit Court of the U. States, for said district, wherein Sarah I. Jewell, and others, are plaintiffs, and Benjamin Jewell, and others, are defendants; and it being necessary to the investigation of the said cause, that certain persons, to wit, Joseph L. Joseph and Solomon I. Joseph, residing in the City of New York, should be examined on certain interrogatories: Now, know ye, that in confidence of your prudence, ability and integrity, you are by these presents appointed, and full power and authority are given hereby to you, any two or more of you, diligently to examine all witnesses whatsoever upon certain interrogatories to be exhibited to you, as well on the part of the said plaintiffs, as on the part of the said defendants, or either of them; and therefore, you, any two or more of you, are hereby authorized and required, on certain days, and at certain places, *or* to be appointed by you for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them apart, on the said interrogatories, on their respective corporal oaths, first taken before you, or any two or more of you, and to take such their examinations, and reduce them into writing on paper; and when you shall have so taken them, to send the same to the Judges of the said Circuit Court of the United States, for the district aforesaid, closed up and under your seals, distinctly and plainly set, together with the said interrogatories and this writ. And you, and every of you, are hereby further required, that before you act in, or be present at the swearing or examining of any witness or witnesses, you do severally take the oath first specified in the schedule hereunto annexed. And you, any two or one of you,

are hereby authorized and empowered, jointly or severally, to administer such oath to the rest, or any other of you; and you are hereby further authorized and required, jointly and separately, to administer the oath last specified in the said schedule hereunto annexed, to all and every of the clerks, or clerk, employed in taking, transcribing, or engrossing the deposition or depositions of witnesses so examined by virtue of these presents, before they or he shall be permitted to act as clerks, or clerk, or be present at such examination.

Witness James Jervey, Esq., Clerk of the said Court, this second day of November, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the sovereignty and independence of the United States of America.

[Seal of Court.] JAMES JERVEY, *Dist. Clerk.*
PETIGRU & DESESNE, *Plff's Attorney.*

Commissioner's Oath.

You shall, according to the best of your knowledge, truly, faithfully, and without partiality to any or either of the parties in this cause, take the examination and deposition of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now produced and left with you. And you shall not publish, disclose, or make known to any person or persons whatsoever, except the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other commissioners in the commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of the Circuit Court of the United States, for South Carolina District. So help you God.

JOHN W. MITCHELL.

Sworn to this 10th day of November, 1836, before me.
GEO. W. MORTON, *U. S. Ven.*

Clerk's Oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take and write down, transcribe, and engross the depositions of all and every witness and witnesses produced before and examined by the commissioners or any of them, named in the commission hereunto annexed, as far forth as you are directed and employed by the said commissioners or any of them, to take and write down, and engross the said depositions or any of them. And you shall not publish, disclose or

make known to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken or written down, transcribed or engrossed by you, or whereto you shall have recourse, or be any ways privy, until publication shall pass by the rule or order of the circuit court of the United States for South Carolina District. So help you God.

Instructions for the Commissioners.

The commissioners must first attend to the instructions contained in the commission; after which, when they are proceeding to business, they will put the first interrogatory to the first witness produced, and set down his answer thereto, on a sheet, entitled "Depositions of witnesses sworn and examined," &c. When done with this, they will put the second interrogatory, and set down his answer, to that also, and so on, till they have finished putting the interrogatories to him.

They will then proceed to examine such other witnesses as may be produced; in which case they will entitle their depositions in the same manner as those of the first, with the difference of the parties' name, age, &c. &c. They will then fix and seal the several sheets together, and set their hands and seals at the bottom of the whole, and their hands to each sheet, leaving the covering sheet on the outside of the whole. Then enclose the whole, commission and all, in a large paper, well sealed up with their seals, with their names affixed thereto. And having first endorsed the packet, on a corner thereof, with the names of the parties, in the same manner as is done on the covering sheet of the depositions, direct the same to James Jervey, Esq., Clerk of the District of South Carolina.

If this commission is returned by post, one of the commissioners who examined the witness must endorse and sign a certificate that the same was lodged by himself in the post-office at New York.

The execution of this commission appears in the schedule hereto annexed.

JOHN W. MITCHELL. [L. S.]

SARAH I. JEWELL, et al.,
vs.
BENJAMIN JEWELL.

Interrogatories to be put to Joseph L. Joseph and Solomon I. Joseph, of Wall street, New York, brokers, on behalf of the plaintiff.

1. Do you know the parties, plaintiff and defendant, and how long have you known them?

2. Did you know the plaintiff, Sarah Isaacs Jewell, by her maiden name of Sarah Isaacs, previous to her marriage with Benjamin Jewell?

3. Was, or was not, the plaintiff, Sarah Isaacs, married to Benjamin Jewell in your father's house, in the city of Richmond, on the 30th June, 1813?

4. Were you, or were you not, present at the marriage of the said Sarah Isaacs to the said Benjamin Jewell?

5. Do you know any thing else that may be material?

PETIGRU & LESESNE,
Plaintiffs' Attorneys.

Plaintiffs' Commissioner,

JOHN W. MITCHELL.

BENJAMIN JEWELL, *ads.* SARAH I. JEWELL, et al.

Cross-Interrogatories to be propounded to Joseph L. Joseph and Solomon Joseph, in behalf of the defendant.

1. If you answer the second interrogatory in chief affirmatively, then say, do you know the father and mother, or either of them, of the said Sarah Isaacs, called Jewell, in the said interrogatory? Where do they reside?

2. Were the father and mother, or either of them, present at the marriage alluded to in the interrogatories in chief?

3. Did the said father and mother assent to the said marriage so alluded to? Did they, or either of them, not dissent from the said marriage?

4. Why was not said marriage solemnized in the house of the father of said Sarah Isaacs?

5. Was, or not, said marriage a runaway marriage?

6. Do you, or not, know that the father and mother of said Sarah Isaacs, or either and who of them, expressly forbade said marriage?

7. Were any of the relations of said Sarah Isaacs present at said marriage?

8. Do you, or not, know that the father and mother of said Sarah Isaacs, or one of them, forbade such marriage, on the ground that the intended husband, Benjamin Jewell, was already married?

9. Was, or not, the fact of Benjamin Jewell having been married before said pretended marriage with Sarah Isaacs, a matter currently spoken of in Richmond at the time?

10. Was the marriage solemnized according to the Jewish form, or by what other ceremony? State fully and particularly?

11. What might then be the age of Benjamin Jewell?

12. Are you related to said Sarah Isaacs? If yea, what is your relationship to her?

If you know any other matter, not embraced in the foregoing cross-interrogatories, but material to the defendant, and serving to shew that the said Sarah Isaacs was, at the time of said supposed marriage with Benjamin Jewell, aware of a prior marriage of his, please state the same candidly, and as fully as if specifically questioned thereon.

HUNT,
Defendant's Attorney.

In the matter of
SARAH I. JEWELL, et al.,
vs.
BENJAMIN JEWELL.

Answers to the annexed interrogatories and cross-interrogatories, propounded to Joseph L. Joseph and Solomon I. Joseph, of Wall street, New York, brokers. Witnesses produced, sworn and examined in a certain cause, now depending and at issue in the circuit court of the United States for the District of South Carolina, wherein Sarah I. Jewell, and others, are plaintiffs, and Benjamin Jewell, defendant, before John W. Mitchell, as commissioner under and by virtue of the annexed commission, issued out of and under the seal of said court.

The said Joseph L. Joseph, to the said interrogatories answers, as follows:

To the first interrogatory, he saith—I know Sarah I. Jewell and Benjamin Jewell, and have known the former as far back as some years before the last war with Great Britain, and the latter for one or two years before the war.

To the 2d, he saith—Yes, I did know the plaintiff, Sarah Isaacs Jewell, by her maiden name of Sarah Isaacs, previous to her marriage with Benjamin Jewell.

To the 3d, he saith—Yes, she was.

To the 4th, he saith—I was present at the marriage.

To the 5th, he saith—I know nothing else material, excepting, that I know them to be man and wife.

J. L. JOSEPH.

Taken and subscribed before me, this 31st January, 1837.
JOHN W. MITCHELL,
Commissioner.

To the first cross-interrogatory the said witness, Joseph L. Joseph, saith—I knew the mother, who now resides in New York; she has been married a second time; the father of Mrs. Jewell had been dead long before I knew them.

To the 2d cross-interrogatory, he saith—The mother was not present, she not approving of the match.

To the 3d cross-interrogatory, he saith—The mother was not pleased at the match, but whether she assented or not, I do not rec llect.

To the 4th cross-interrogatory, he saith—Because the mother was opposed to the match—the father being dead.

To the 5th cross-interrogatory, he saith—It could not have been a runaway marriage, because the mother was living in the same town, and the marriage took place in the same street in which she lived.

To the 6th cross-interrogatory, he saith—I do not recollect that any body whatever forbade the marriage; I recollect nothing of the kind.

To the 7th cross-interrogatory, he saith—I do not remember.

To the 8th cross-interrogatory, he saith—I do not recollect *that* either.

To the 10th cross-interrogatory, he saith—The marriage was solemnized according to the Jewish form by the regularly installed reader of the congregation, who is authorized to perform such ceremony.

To the 11th cross-interrogatory, the said Joseph L. Joseph saith—I declare, I do not recollect. I hardly can recollect his face or appearance after the lapse of so many years.

To the 12th cross-interrogatory, he saith—I had understood, that Benjamin Jewell had been keeping a woman in Charlestown, or had a number of children by her, but I never heard that he was ever married to her.

J. L. JOSEPH.

Taken and subscribed before me, this 31st January, 1837.

JOHN W. MITCHELL,
Commissioner.

Mr. Solomon I. Joseph, (the next witness) to the said interrogatories, answers as follows:

To the first interrogatory, he saith—I know Sarah I. Jewell and Benjamin Jewell, and have known them both for twenty-five years, and upwards; the first named I have known longer than the other.

To the 2d interrogatory, he answers—Yes, I did.

To the 3d interrogatory, he saith—Yes. Sarah Isaacs was married to Benjamin Jewell in my father's house, in the city of Richmond, and about that time I presume. I have no recollection of the exact date.

To the 4th interrogatory, he saith—Yes, I was present.

To the 5th interrogatory, he saith—No, I think not.

S. I. JOSEPH.

Taken and subscribed before me, this 31st January, 1837.
JOHN W. MITCHELL,
Commissioner.

To the first cross-interrogatory, the said witness, Solomon I. Joseph, answers:

I knew the mother of Sarah Isaacs, called Jewell; she resides in this city, I understand. I did not know the father.

To the 2d cross-inter'y, he saith: Neither the father nor mother were present at the marriage. The father was then dead.

To the 3rd cross-inter'y, he saith: The father was then dead; the mother did dissent.

To the 4th cross-inter'y, he saith: The marriage could not have been solemnized in the house of the father, as he was then dead. She was not married in her mother's house, as the mother dissented from the marriage.

To the 5th cross-inter'y, he saith: It could not have been said to be a runaway marriage. It was not a clandestine marriage, as she was married with the knowledge of her mother. Sarah Isaacs, for several weeks previous to her marriage, had been residing at my father's house, in Richmond, Virginia; and her mother knew of the time when, and the place where, she was to be married.

To the 6th cross-inter'y, he saith: I have no recollection of any person whatever having expressly forbid the marriage.

To the 7th cross-inter'y, he saith: Not any of the relations of Sarah Isaacs were present at the marriage.

To the 8th cross-inter'y, he saith: I have no recollection of any person having forbid the marriage of Sarah Isaacs with Benjamin Jewell, on the ground that he was already married, or on any other ground whatever.

To the 9th cross-inter'y, he saith: I had heard persons say that he was married; but it was generally believed that he was not married. It was currently spoken of, but not believed. I had heard residents of Charleston say that he was not married; and that operated against the reputation of his children.

To the 10th cross-inter'y, he saith: The marriage was solemnized according to the Jewish form, by the regular minister of the congregation, the Reverend Isaac Judah. The minister who was to have married them (the Rev'd Isaac B. Seixas) having, on the day appointed for the celebration of the marriage, been summoned out to bear arms in defence of Richmond,—the inhabitants of Richmond being at the time under apprehensions of an attack from the British.

To the 11th cross-inter'y, he saith: I do not know.

To the 12th cross-inter'y, he saith: I am not in anywise related to Sarah Isaacs.

Solomon Joseph's further answer continued to the twelfth cross-inter'y, he saith: I think that Sarah Isaacs, at the time of her

marriage with Benjamin Jewell, was aware of Benjamin Jewell having children at Charleston, by a woman; but she believed that he was not married to her, and merely lived with her.

S. I. JOSEPH.

Taken and subscribed before me, this 31st Jan'y, 1837.
JOHN W. MITCHELL, *Com'r.* [L. S.]

Commission (No. 2) to examine Joseph L. Joseph and Solomon Joseph.

THE U. STATES OF AMERICA, *South Carolina District,*
In the Circuit Court of the U. States.

To John W. Mitchell, Esq., and William Van Wyck, Esq., and Mr. Inglis, partner of Van Wyck—greeting:

Whereas, a certain cause is now depending in the Circuit Court of the U. States for said District, wherein Sarah I. Jewell and others are plaintiffs, and Benjamin Jewell is defendant; and it being necessary to the investigation of the said cause, that certain persons resident in the city of New York, should be examined on certain interrogatories:

Now, know ye, that, in confidence of your prudence, ability, and integrity, you are by these presents appointed, and full power and authority are given hereby to you, any two or more of you, diligently to examine all witnesses whatsoever, upon certain interrogatories to be exhibited to you, as well on the part of the said plaintiffs, as on the part of the said defendants, or either of them; and therefore, you, any two or more of you, are hereby authorized and required, on certain days and at certain places, *or* to be appointed by you for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them apart on the said interrogatories, on their respective corporal oaths first taken, before you or any two or more of you, and to take such their examinations and reduce them into writing on paper, and when you shall have so taken them, to send the same to the judges of the said Circuit Court of the United States for the said District, closed up, and under your seals distinctly and plainly set, together with the said interrogatories and this writ. And you, and every of you, are hereby further required, that before you act in, or be present at, the swearing or examining of any witness or witnesses, you do severally take the oath first specified in the schedule hereunto annexed. And you, any two or one of you, are hereby authorized and empowered, jointly or severally, to administer such oath to the rest, or any other of you. And you are hereby authorized and required, jointly and severally, to administer the oath last specified n the said schedule hereunto annexed, to all and every of the

clerks or clerk employed in taking, transcribing, or engrossing the deposition or depositions of witnesses so examined by virtue of these presents, before they or he shall be permitted to act as clerks or clerk, or be present at such examination.

Witness, James Jervey, Esq., Clerk for the said District, this day of , in the year of our Lord one thousand eight hundred and thirty-six, and in the sixtieth year of the sovereignty and independence of the United States of America.

[SEAL OF COURT.] JAMES JERVEY, *Dist. Clk.*

PETIGRU & LESESNE, *Plffs. Attys.*

Commissioner's Oath.

You shall, according to the best of your knowledge, truly, faithfully, and without partiality to any or either of the parties in this cause, take the examination and deposition of all and every witness and witnesses, produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now produced and left with you. And you shall not publish, disclose, or make known to any person or persons whatsoever, except the clerk or clerks by you employed and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other commissioners, in the commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of the Circuit Court of the U. States for the said district. So help you God.

Administered each unto the other by us,
JOHN W. MITCHELL,
WM. INGLIS.

Clerk's Oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take and write down, transcribe and engross, the depositions of all and every witness and witnesses, produced before and examined by the commissioners, or any of them, named in the commission hereunto annexed, as far forth as you are directed and employed by the said commissioners, or any of them, to take and write down and engross the said depositions, or any of them. And you shall not publish, disclose, or make known to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken or written down, transcribed or engrossed by you, or whereto you shall have recourse, or be any ways privy, until pub-

lication shall pass by rule or order of the Court of the U. States for the said District. So help you God.

Instructions for the Commissioners.

The commissioners must first attend to the instructions contained in the commission; after which, when they are proceeding to business, they will put the first interrogatory to the first witness produced, and set down his answer thereto on a sheet entitled "Depositions of witnesses sworn and examined," &c., &c. When done with this, they will put the second interrogatory, and set down his answer to that also; and so on, till they have finished putting the interrogatories to him. They will then proceed to examine such other witnesses as may be produced; in which case they will entitle their depositions in the same manner as those of the first, with the difference of the parties' name, age, &c., &c. They will then fix and seal the several sheets together, and set their hands and seals at the bottom of the whole, and their hands to each sheet, leaving the covering sheet on the outside of the whole. Then enclose the whole, commission and all, in a large paper, well sealed up with their seals, with their names affixed thereto; and having first endorsed the packet, on a corner thereof, with the names of the parties, in the same manner as is done on the covering sheet of the depositions, direct the same to James Jervey, Esq., District Clerk, Charleston, South Carolina. If this commission is returned by post, one of the commissioners who examined the witness must endorse and sign a certificate that the same was lodged by himself in the post office at New York.

N. B.—Should the sheets annexed not be sufficient, the commissioners can easily tack others thereto, putting the covering sheet over the whole; and of the commissioners will be sufficient to take the examination.

(Endorsed.)

The return to the within commission will appear by the depositions hereto annexed.

JOHN W. MITCHELL, *Commissioner*, [L. S.]
WM. INGLIS, *Commissioner*. [L. S.]

March 6, 1837.

SARAH I. JEWELL, et al.
vs.
BENJAMIN JEWELL.

Interrogatories to be put to Joseph L. Joseph and Solomon Joseph, of Wall street, New York, Brokers.

1st. Do you know the parties, plaintiffs and defendants; and how long have you known them?

2. Did you know the plaintiff, Sarah Isaacs Jewell, by her maiden name of Sarah Isaacs, previous to her marriage with Benjamin Jewell?

3. Was, or was not, the plaintiff, Sarah Isaacs, married to Benjamin Jewell in your father's house, in the city of Richmond, on 30th June, 1813?

4. Were you, or were you not, present at the marriage of the said Sarah Isaacs to the said Benjamin Jewell?

5. Do you know any thing else that may be material?

PETIGRU & LESESNE, *Plffs. Attys.*

Cross-Interrogatories to be propounded to the said Joseph L. Joseph and Solomon Joseph, in behalf of the defendant.

If you answer the second interrogatory in chief affirmatively, then say do you know the father and mother, or either of them, of the said Sarah Isaacs, called Jewell, in the said interrogatory? Where do they reside?

2. Were the father and mother, or either of them, present at the marriage alluded to in the interrogatories in chief?

3. Did the said father and mother assent to said marriage so alluded to? Did they, or either of them, not dissent from the said marriage?

4. Why was not said marriage solemnized in the house of the father of said Sarah Isaacs?

5. Was, or not, said marriage a runaway marriage?

6. Do you, or not, know that the father and mother of said Sarah Isaacs, or either and who of them, expressly forbade such marriage?

7. Were any of the relations of said Sarah Isaacs present at said marriage?

8. Do you, or not, know that the father and mother of said Sarah Isaacs, or one of them, forbade the said marriage on the ground that the intended husband, Benjamin Jewell, was already married?

9. Was, or not, the fact of Benjamin Jewell having been married before the said pretended marriage with Sarah Isaacs, a matter currently spoken of in Richmond at the time? Did you, or not, hear it spoken of at the time?

10. Was the marriage solemnized according to the Jewish form, or by what other ceremony? State fully and particularly.

11. What might be the age of Benjamin Jewell then?

12. Are you related to said Sarah Isaacs? If yea, what is your relationship to her?

13. If you know of any other matter not embraced in the foregoing cross-interrogatories, but material to the defendant, and serving to show that the said Sarah Isaacs was, at the time of said supposed marriage with Benjamin Jewell, aware of a prior marriage of his, please state the same candidly, and as fully as if specifically questioned thereon.

HUNT, *Deft's Atty.*

Depositions of Joseph L. Joseph, a witness sworn and examined in a certain cause pending in the Circuit Court of the United States for the District of South Carolina, between Sarah I. Jewell and others, plaintiffs, and Benjamin Jewell, defendant, taken by and before us, John W. Mitchell and William Inglis, (William Van Wyck, the other commissioner, being absent from the State,) commissioners under and by virtue of the annexed commission, and on the interrogatories and cross-interrogatories thereto annexed, this sixth day of March, one thousand eight hundred and thirty-seven, at the city of New York, in the State of New York.

To the first interrogatory in chief this witness answers. I knew Mrs. Jewell, the plaintiff, some time before the late war of 1812, and Mr. Jewell, the defendant, a short time before said war.

To the second he saith—Yes, I did know her by her maiden name of Sarah Isaacs, previous to her marriage.

To the third. She was so married at my father's house, in the city of Richmond, on or about the time stated.

To the fourth. Yes, I was present at such marriage.

To the fifth. I have answered already. I know of nothing more.

J. L. JOSEPH.

Taken and subscribed to before us,

WM. INGLIS, *Com'r.*
J. W. MITCHELL, *Com'r.*

To the first cross-interrogatory the said witness, Joseph L. Joseph, answers. I knew her mother well; her father was dead long before the marriage; her step-father I knew well; the mother resides now in the city of New York; the step-father is also dead.

To the second cross-interrogatory. I declare I do not recollect, but think her mother and step-father were not present.

To the third. I do not recollect whether the step-father or mother assented to the said marriage or not; they were at first opposed to it, but whether they afterwards assented to it I do not recollect.

To the fourth. I do not know why; I then was quite a youth.

To the fifth. O, no! it could not have been a runaway marriage; it took place in the city of Richmond, where the mother and step-father resided, and they knew that it was going to take place.

To the sixth. I do not know that the mother or father, or either of them, expressly forbade such marriage.

To the seventh. I do not recollect if any of the relations of said Sarah Isaacs were present at said marriage; I think some of them were present, tho' I cannot recollect positively.

To the eighth. I do not recollect that the said marriage was forbid by the father or mother of said Sarah Isaacs, on the ground of her intended husband being already married.

To the ninth. I heard that he kept a woman, and had some

children by her before said marriage, but never heard that he was married to any one at the time of his marriage with Sarah Isaacs, except that I have heard the defendant say, many years ago, some time before or after the marriage, that his father, said Benjamin Jewell, the elder, was married to his mother before the said marriage with plaintiff.

To the tenth. The marriage was celebrated according to the Jewish form, in presence of a number of witnesses, some ten or twelve gentlemen.

To the eleventh. I cannot state what might then be the age of said Benjamin Jewell; I cannot recollect the then appearance of his face.

To the twelfth. I am not related to Sarah Isaacs, directly or indirectly.

To the thirteenth. I know nothing further than what I have already stated.

J. L. JOSEPH.

Taken and subscribed to before us,
WM. INGLIS, *Com'r*,
JOHN W. MITCHELL, *Com'r*.

Deposition of Solomon Joseph, a witness sworn and examined in a certain cause pending in the Circuit Court of the United States, for the District of South Carolina, between Sarah I. Jewell and others, plaintiffs, and Benjamin Jewell, defendant, taken by and before us, John W. Mitchell and William Inglis, (the other commissioner, William Van Wyck, being absent from the State,) commissioners, under and by virtue of the annexed commission, and on the interrogatories and cross-interrogatories thereto annexed, this sixth day of March, one thousand eight hundred and thirty-seven, at the city of New York, in the State of New York.

To the first interrogatory in chief the said witness answers. I knew Sarah I. Jewell, the plaintiff, and Benjamin Jewell, the defendant, for upwards of twenty years.

To the second he saith. Yes, I did know the plaintiff, Sarah Isaacs Jewell, by her maiden name of Sarah Isaacs, previous to her marriage with Benjamin Jewell, the elder.

To the third. She was so married about that time, and at the place mentioned; I do not recollect the exact day.

To the fourth. I was present at the marriage.

To the fifth. I know nothing else.

S. I. JOSEPH.

Taken and subscribed to before us,
WM. INGLIS, *Com'r*,
JOHN W. MITCHELL, *Com'r*.

To the first cross-interrogatory the said witness, Solomon Joseph, saith. I knew the mother only; I understand she resides at present in the city of New York.

To the second cross-interrogatory he saith. Neither the father nor mother was present at the marriage.

To the third he saith. The father was dead at the time of the marriage, and the mother did not assent; I do not recollect whether the mother did dissent from said marriage; I rather think she did.

To the fourth he saith. The father was dead, and her mother was, at the time of the marriage, married to another person by the name of King; I know of no other reason except, also, the dissent or want of assent of the mother.

To the fifth. The marriage was solemnized with the knowledge of the mother, and was not a clandestine or runaway marriage; she had left her mother's house some weeks previous to the marriage; it was not an elopement.

To the sixth. I do not know that either of them did ever expressly forbid the said marriage.

To the seventh. None of the relations of said Sarah Isaccs were present at said marriage.

To the eighth. I do not know that the mother and father of said Sarah Isaacs, or either of them, forbade said marriage on the ground that the intended husband, Benjamin Jewell, was already married; I do not think my father would have allowed a marriage in his house under those circumstances.

To the ninth cross-interrogatory said witness, Solomon Joseph, saith. I had heard it spoken of before the marriage, that Benjamin Jewell, the elder, had been previously married, but it was not believed.

To the tenth. The marriage was solemnized according to the Jewish form.

To the eleventh. I should say that the age of Benj. Jewell, the father, was from 45 to 50 years of age, judging from said Jewell's personal appearance; the age of the son I do not recollect.

To the twelfth. I am not related to said Sarah Isaacs in any wise whatever.

To the thirteenth. I know nothing of the matters inquired of in this last cross-interrogatory.

S. I. JOSEPH.

Taken and subscribed to before us,
WM. INGLIS, *Com'r*,
JOHN W. MITCHELL, *Com'r*.

Certificate of marriage of Benjamin Jewell and Sarah Isaacs.

VIRGINIA, *to wit*:

I, William B. Giles, Governor or Chief Magistrate of the State aforesaid, do hereby certify and make known unto all whom it may concern, that Herbert A. Claiborne, whose name is subscribed to the annexed document, was, at the time of subscribing the same,

and now is a notary public in and for the city of Richmond, in the said State of Virginia, duly commissioned and qualified according to law; and to all his official acts as such, full faith, credit, and authority are had and ought to be given.

In testimony whereof, I have subscribed my name, and caused the great seal of the State to be affixed hereunto.

[L. S.] Done at the city of Richmond, the 20th day of January, in the year of our Lord one thousand eight hundred and twenty-nine, and of the commonwealth the fifty-third.

WM. B. GILES.

By the Governor: WM. H. RICHARDSON, [L. S.]

Keeper of the seals.

VIRGINIA, CITY OF RICHMOND, *sct:*

On this third day of October, 1827, before me, Herbert A. Claiborne, notary public for the State of Virginia, duly commissioned and qualified, dwelling in the city of Richmond, and authorised by law to administer oaths and affirmations, personally came Isaac B. Seixas, reader of the Hebrew congregation, in the city of Richmond, who, being duly sworn by me according to law, deposes and says, that the writing hereunto annexed marked *A*, and purporting to be the register of the marriage of Benjamin Jewell with Miss Sarah Isaacs, is a true copy from the original, entered in the record book of Isaac H. Judah, deceased, late reader of said congregation, in the city aforesaid, in which the deaths and marriages of said congregation were registered by said Isaac H. Judah; that he frequently saw said record book (which is now in his possession, and before him at this moment) during the lifetime of said Judah; that he is well acquainted with the hand-writing of said Isaac H. Judah, having been very intimate with him, and frequently seen him write during his lifetime; and that he verily believes that the whole of the register of the marriage of said Benjamin Jewell with said Sarah Isaacs, from which the said writing hereunto annexed, and marked A, is truly extracted, is a true copy thereof, and is in the proper hand-writing of the said Isaac H. Judah, deceased.

The said affiant further saith, that S. Jacobs, president, Jacob Block, Joseph Marks, B. H. Judah, Adolph Ancker, Jacob Lyon, and Reuben Canter, whose names are subscribed to the certificate hereunto annexed, marked B, are all residents of the city of Richmond, and personally known to him as members of the said Hebrew congregation; that they and each of them did this day severally acknowledge and subscribe their names to the said certificate hereunto annexed, and marked *B*, in his presence; and further this affiant saith not.

In testimony whereof, I have hereunto set my hand and af-

[L. S.] fixed my notarial seal of office, at Richmond aforesaid, the day and year first above written.

HERBERT A. CLAIBORNE, *Not. Pub.*

Documents annexed to the foregoing deposition.

A—5573.

Married on Wednesday, 30th June, 2d to Miss Sarah Isaacs. Benjamin Jewell

B.

We, the undersigned, residents of the city of Richmond, in the State of Virginia, do hereby certify that we were acquainted with Benjamin Jewell, and Sarah, his wife, who, before her intermarriage with said Benjamin, was Sarah Isaacs, and that said Benjamin and Sarah lived together as man and wife in the city of Richmond for seven or eight years, before their removal to New Orleans, as they have been informed.

Given under our hands, this 3d of October, 1827.

S. JACOBS, *President of the Hebrew congregation.*
JACOB BLOCK,
JOSEPH MARX,
B. H. JUDAH,
ADOLPH ANCKER,
JACOB LYON,
REUBEN CANTER,

Teste: J. B. SEIXAS.

VIRGINIA, CITY OF RICHMOND, *sct.*

On this third day of October, eighteen hundred and twenty-seven, before me, Herbert A. Claiborne, Notary Public for the State of Virginia, and duly commissioned and qualified, dwelling in the city of Richmond, and authorized by law to administer oaths and affirmations, personally came Joseph Marx, a resident of the city of Richmond, who being first duly sworn by me according to law, deposes and says, that he has resided in said city for many years; that on the thirteenth of June, eighteen hundred and thirteen, he was present at the solemnization of the marriage of Benjamin Jewell to Miss Sarah Isaacs. That they were married agreeably to the Jewish laws, with the canopy and certificate delivered, written in the Hebrew language. That said Benjamin Jewell, and Sarah, his wife, lived together as man and wife, in the city of Richmond, several years after said marriage, and until they removed to the city of New Orleans.

JOSEPH MARKS.

In testimony wherof, I have hereunto set my hand and affixed my notarial seal of office in said city, the day and year first above written.

[NOTARIAL SEAL.] HERBERT A. CLAIBORNE, *Not. Pub.*

VIRGINIA, CITY OF RICHMOND, *sct.*

I, Herbert A. Claiborne, Notary Public for the State of Virginia, duly commissioned and qualified, residing in the city of Richmond, do hereby certify, that all the foregoing writing on this sheet of paper, consisting of the affidavit of J. B. Seixas and Joseph Marx, and the documents A and B annexed to the affidavit of J. B. Seixas, together with the notarial certificate of the execution said affidavits, are a true copy from my notarial record book, in which the originals were duly recorded by me according to law.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed my notarial seal of office, this 20th day of January, 1826.

HERBERT A. CLAIBORNE, *Not. Pub.*

Articles of agreement between Benj'n Jewell and Sophie Prevost, and receipt of Sophia Provost, dated 1810 and 1811.

Articles of agreement entered into this 4th day of December, 1810; Benjamin Jewell on the one part, and Sophia Prevost on the other.

Whereas, the said Benjamin Jewell and Sophia Prevost have cohabited for several years past, and have had eight children, but are both now willing and desirous to separate and live asunder, on certain terms and conditions hereinafter specified: Now this instrument of writing witnesseth, that the said B. Jewell and Sophia Prevost do agree henceforward to live separate and asunder.

The said B. Jewell, on his part, consents and engages that the said Sophia Prevost shall have under her sole and absolute control, and free from all restraint or control by the said B. Jewell, the following children, viz: Juliana, Daniell and Washington, each child having its clothing. The said Sophia Prevost, on her part, engages and consents that the said B. Jewell shall have under his sole and absolute control, and free from all restraint or control by the said Sophia Prevost, the following children, viz: Benjamin, Joseph, Hannah, Hetty and Delia, with their clothing. The said Sophia is to pay all the expenses of clothing, education and maintenance of the children above allotted to her; and the said Benjamin Jewell is to pay all the expenses of cloathing, education and maintenance of the children allotted to him; and moreover engages to pay for one year's schooling, viz: the sum of forty dollars, for the child Juliana, in order to complete her schooling.

The said Sophia engages not to disturb the said Benjamin, in respect to the management of the children allotted to him, nor in any manner control or interfere with them. And the said Benjamin engages in like manner in respect to those children assigned to the said Sophia.

And in consideration of this separation and consent to live asunder, the said Benjamin engages to pay to the said Sophia Prevost the sum of three thousand dollars; and to give her a bill of sale of the fellow Jesse, the girl Harriet, the wench Nancy, with her three children, Charlotte, Mary and Charles; also, the following articles of furniture:

1 arm-chair, 6 chairs, 1 settee, 1 large looking-glass, 1 toilet do., 1 bureau, 1 piano forte, 2 bedsteads and bedding, 1 carpet, 1 tea table with the tea sett of china, 2 trunks, 1 silver candlestick and 1 branch, 1 tea pot, 6 tea spoons, 3 soup spoons, 1 silver fork; and in consideration of the above, on the part of said Benjamin Jewell, the said Sophia Prevost doth hereby release and discharge the said Benjamin Jewell from all claims and demands whatsoever.

In witness whereof, the parties to these presents have set their hands, this 4th Dec'r., 1810.

BENJ'N JEWELL,
SOPHIE PREVOST.

W. L. SMITH.

[*Note.*—The signature of W. L. Smith in the original paper is written with pencil.]

CHARLESTON, *sct.*

Wm. L. Smith being duly sworn, made oath that he was present and saw Benjamin Jewell and Sophia Prevost sign their names respectively to the foregoing instrument, for the purposes therein mentioned.

Sworn to before me, this 30th January, 1811.

STEP. LEE, *J. P.*

Secretary's Office, Charleston.

Recorded in book of miscellaneous records, C. C. C. C., page 430, this 30th January, 1811, and examined by

STEP. LEE, *Sec'y of State.*

STATE OF LOUISIANA, *Parish of Point Coupé.*

I, the undersigned, Judge of the Parish of Pointe Coupé aforesaid, do hereby certify, that the present document was duly recorded in my office in book D, on this 29th of December, 1833.

[L. S.] In testimony whereof I have hereunto set my hand and affixed my seal of office.

A. ROBIN, *Judge.*

Receipt.

I do hereby acknowledge to have received from Mr. Benjamin Jewell, sundry bills of sale for the negroes Nancy and her three

children, Charlotte, Mary and Charles; also Jesse, also the girl Harriet, with their future issue; also, goods and cash to the amount of one thousand four hundred and fifty dollars 51 cents; also, sundry articles of furniture as per annexed schedule marked A; also the further sum of one thousand five hundred and eighty-nine dollars 49 cents, making, with the above sum of one thousand four hundred and fifty dollars 51 cents, the full sum of three thousand and forty dollars—all which I acknowledge to be in full of all demands of every kind and nature whatsoever against the said B. Jewell, and I do accordingly release and discharge him from all demands whatsoever.

Witness my hand, at Charleston, this 11th day of January, 1811.

SOPHIA PREVOST.

CHENY MOISE.

CHARLESTON, *ss.*

Cheny Moise being duly sworn, made oath that he was present and saw Sophia Prevost sign her name to the foregoing instrument of writing, for the uses and purposes therein mentioned, and that he witnessed the same.

Sworn to before me, this 26 January, 1811.

ROB. HOWARD, *J. P.*

STATE OF LOUISIANA, *Parish of Point Coupé.*

I, the undersigned, Judge of the Parish of Point Coupé aforesaid, do hereby certify that the present document was duly recorded in my office in book D, on this day, the 29th of Dec'r., 1833.

[L. S.] In testimony whereof I have hereunto set my hand and affixed my seal of office.

A. ROBIN, *Judge.*

A.

1 arm chair,	2 bedsteads and bedding,
8 chairs,	1 carpet,
1 settee,	1 tea table with the china,
1 large looking-glass,	3 trunks,
1 do. toilet do. and toilet table,	1 silver candlestick,
1 bureau,	1 silver branch,
1 piano forte,	1 tea pot, silver,
6 tea spoons,	1 sett glass ware,
3 soup spoons,	3 large waiters,
1 silver spoon,	2 tables,
1 silver fork,	1 small sideboard,
1 side table,	By cash $15 for bed curtains,
1 small do.,	1 small table,

2 plated candlesticks,
1 brass do.,
2 setts window curtains,
1 pr. brass fire-dogs, shovel and tongs,
1 pr. glass shades and glass candlesticks.
1 mahogany cradle with bedding,
Bed spreads and sheeting,
1 mahogany show-glass,
1 writing desk,

Rec'd December 17th, 1810, the above articles from Mr. B. Jewell, according to our settlement.

SOPHIE PREVOST.

December 17th, 1810, received of Mr. B. Jewell ten hundred and eighty-two dollars sixty-one cents and half, in cash, according to our settlement.

SOPHIE PREVOST.

$1082 61½.

CHARLESTON, *ss.*

Personally appeared before me Lewis Levin, who being duly sworn, made oath that he was present and saw Sophia Prevost sign her name to the within paper, and that he witnessed the same.

L. LEVIN.

Sworn to before me, this 26th January, 1811.

ROB. HOWARD, *J. P.*

Mrs. Sophia Prevost bought of Benjamin Jewell.

1810.

December 20.—To balance due on a ps. calico b't from Moise, sr. & Son,		$0 50
1 pr. long handed silk gloves,		87½
8 prs. shoes, 50-100,		4
10 yards blue cloth, $2 29-100,		22 90
1 ps. blue plains, 39 yards, $2 10,		23 68
1 " grey do., 30 " $2 07,		16 62
1 " black India silk,		28 00
1 yard striped lind,		00 49
1 ps. Hummum,		3 50
1 lb. sewing silk,		5 37½
8¼ yards letting trimmings, 53-100,		4 37½
5 do do $1 31¼,		6 53
12 groces wire shirt buttons, 29-100,		3 48
3 " sugar loaf, 30-100,		0 90
1 ps. striped lind, 12 yds., 50-100,		6 00
1 " " 10 " 49,		4 90
24 yards blue cambric, 16-100,		3 84
7¾ " flowered muslin, 47-100,		3 64¼

1810.	Brought forward - - -	$139 60¾
December 20.—9¼ yds. flowered muslin, 40-100,	-	3 70
1 ps. blue gingham, 30 yds., 25-100,	-	7 50
¾ lb. white thread for - - -		2 00
		$152 80¾
1811.		
January 8th.—6 skaines sewing silk for - - -		00 25
19¾ blue cloth, $2 29-100, - - -		22 33
		$175 38¾
1811.		
Jan'y. 8th.		
To 7½ ps. calico, a. 7d. } being the half of the amount		
" 2½ Do. 6d. } paid to Mr. L. Smith.		
as per bill rend'd. - - -		$38 42
To calicoes b'k. cam- } being the half of the amount		
brics, chamberics. } paid to Moise Jr. & Son.		
as per bill rend'd. - - -		154 09
		$367 89¾
1810.		
Dec'r. 17. Paid her in cash as per her receipt -		1082 61½
		$1450 51¼
1811.		
Jan'y. 14. Cash, - - -	$1590	
- - -	1082 61½	
- - -	367 89¾	
	$3040 51¼	

Secretary's office, Charleston.

Recorded in book of Miscellaneous Records, C. C. C. C., page 431, this 30 Jan'y, 1811, and examined by

STEP. LEE,
Sec'y. of State.

And the said plaintiff, further to maintain the said issue, on his part, called the following witnesses, who testified as follows, that is to say:

Robert Howard testified that he knew Cheny Moise—that Cheny Moise was a respectable man; he did business as an auctioneer; that the affidavits of Cheny Moise and Lewis Levin, as

to the signatures of Sophia Prevost in the last paper produced in evidence, were taken before him the witness, and that the attestations to those affidavits are in his hand-writing; that he then acted as a magistrate; that the name of Stephen Lee, in the foregoing paper, is in the hand-writing of the said Stephen Lee.

John Bane testified, that he knew the late Joseph Storne; that he knew him since 1828; that he knew Storne's wife, "that is Storne called the lady his wife;" that he was a great friend of Storne's; that Storne told him he was married six or seven years before he (the witness) arrived in Charleston; that he believes that there was a little boy, issue of that marriage; that he knows, that Mrs. Storne had children before she married Storne, and has understood that (Daniel) Jewell, the cabinet maker, was her son; that he has heard no scandal of her having a husband living when she married Storne; and has heard nothing to the contrary of her being the lawful wife of Storne.

On his cross-examination, this witness testified, that Mrs. Storne maintained the reputation of a respectable person; that he knew Storne and wife from 1828, until Storne's death; that he has heard Daniel Jewell call Mrs. Storne "mother," and Mrs. Storne call him "son;" that Daniel Jewell is a respectable man; that he has never heard any scandal as to Daniel Jewell's birth; that Storne died, keeping a store in Market street, and Mrs. Storne has passed as his widow.

On his examination in reply, this witness testified, that he knows Storne's hand-writing, and that the signatures to certain receipts for house-rent paid by Ginstetti (in a book of Ginstetti's containing receipts of Storne and wife, shown to the witness) are in the hand-writing of Storne; that Storne died in 1834; that he, the witness, knew Ginstetti very well; that Ginstetti was well acquainted with Storne, he lived with Storne and wife five or six years; that Ginstetti bore a good character.

And the said plaintiff, further to mantain the said issue on his part, produced and read in evidence the depositions of witnesses, taken under commissions issued for their examination in this case, which said commissions and depositions are in the words and figures following, to wit:

Commission (No. 1.) to examine Francis V. Bouis, Charles Poydras, Antoine Planteriguez, Pierre Louis L'Hermite, Arnaud Beauvais, Gustave Delamar.

U. States of America,
South Carolina District:

In the Circuit Court of the United States.

The State of South Carolina, to Alfonse Robin, Esquire, greeting:

Whereas, a certain cause is now depending in the Circuit Court

of the U. States for said district, wherein Sarah I. Jewell and others are complainants, and Benjamin Jewell is defendant.

And it being necessary to the investigation of the said cause, that certain persons resident in the State of Louisiana should be examined on certain interrogatories: Now, know ye, that in confidence of your prudence, ability and integrity, you are by these presents appointed, and full power and authority are given hereby to you, any two or more of you, diligently to examine all witnesses whatsoever, upon certain interrogatories to be exhibited to you, as well on the part of the said plaintiffs, as on the part of the said defendant, or either of them; and therefore you, any two or more of you, are hereby authorized and required on certain days, and at certain places, *or* to be appointed by you for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them apart on the said interrogatories, on their respective corporal oaths first taken, before you, or any two or more of you, and to take such their examinations and reduce them into writing on paper, and when you shall have so taken them, to send the same to the judges of the said Circuit Court of the United States closed up, and under your seals distinctly and plainly set, together with the said interrogatories, and this writ. And you and every of you are hereby further required, that before you act in, or be present at the swearing or examining of any witness or witnesses, you do severally take the oath, first specified in the schedule hereunto annexed; and you, any two or one of you, are hereby authorised and empowered jointly or severally to administer such oath to the rest, or any other of you; and you are hereby further authorized and required, jointly and separately, to administer the oath last specified in the said schedule hereunto annexed, to all and every of the clerks or clerk employed in taking, transcribing or engrossing the deposition or depositions of witnesses so examined, by virtue of these presents, before they or he shall be permitted to act as clerks or clerk, or be present at such examination.

Witness, James Jervey, Esq., clerk for said district, this day of in the year of our Lord one thousand eight hundred and thirty-six, and in the sixtieth year of the sovereignty and independence of the United States of America.

[SEAL OF COURT.]

JAMES JERVEY,
Dis't. Cl'k.

PETIGRU & LESESNE,
Plff's. Attys.

Commissioner's Oath.

You shall, according to the best of your knowledge, truly, faithfully and without partiality to any or either of the parties in this

cause, take the examination and deposition of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the interrogations now produced, and left with you; and you shall not publish, disclose or make known to any person or persons whatsoever, except the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other commissioners in the commission named, or any of them by virtue of the said commission, until publication shall pass by rule or order of the Circuit Court of the United States. So help you God.

Clerk's Oath.

You shall, truly, faithfully and without partiality to any or either of the parties in this cause, take and write down, transcribe and engross, the depositions of all and every witness and witnesses produced before and examined by the commissioners, or any of them named in the commission hereunto annexed, as far forth as you are directed and employed by the said commissioners or any of them, to take and write down and engross the said depositions or any of them; and you shall not publish, disclose, or make known to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken or written down, transcribed or engrossed by you, or whereto you shall have recourse, or be any ways privy, until publication shall pass by rule or order of the Circuit Court of the United States. So help you God.

Instructions for the Commissioners.

The Commissioners must first attend to the instructions contained in the commission; after which, when they are proceeding to business, they will put the first interrogatory to the first witness produced, and set down his answer thereto on a sheet entitled, "Depositions of witnesses sworn and examined," &c., &c.; when done with this, they will put the second interrogatory, and set down his answer to that also, and so on till they have finished putting the interrogatories to him. They will then proceed to examine such other witnesses as may be produced; in which case they will entitle their depositions in the same manner as those of the first, with the difference of the parties, name, age, &c., &c.

They will then fix and seal the several sheets together, and set their hands and seals, at the bottom of the whole, and their hands to each sheet, leaving the covering sheet on the outside of the whole. Then enclose the whole, commission and all, in a large paper, well sealed up with their seals, with their names affixed thereto; and having first endorsed the packet, on a cover thereof,

with the names of the parties, in the same manner as is done on the covering sheet of the depositions, direct the same to James Jervey, Esq., District Clerk, Charleston, South Carolina.

If this commission is returned by post, one of the commissioners who examined the witness must endorse and sign a certificate that the same was lodged by himself in the post-office at

N. B. Should the sheets annexed not be sufficient, the commissioners can easily tack others thereto, putting the covering sheet over the whole. And of the commissioners will be sufficient to take the examination.

SARAH I. JEWELL, *et al.*
vs.
BENJAMIN JEWELL.

Interrogatories for Arnauld Beauvais, Gustave Delamar, Francis Bouis, Planterique, P. L. L'Hermite and Charles Poydraz.

1. Do you know the parties, plaintiffs and defendant, in this case?

2. Did you know the late Benjamin Jewell, of Pointe Coupee, planter, and how long did you know him?

3. Do you, or do you not know that the plaintiff, Sarah I. Jewell, is the widow of the said Benjamin Jewell, and that Isabella, the wife of Lewis D'Aigre, Amelia, the wife of Henry L. Camp, Maria, the wife of Henry B. Hiem, Clarissa, Jane, and Alexander, were born in the life time of the said Benjamin Jewell, and are the children of the said Benjamin and Sarah I. Jewell?

4. Where does the said Sarah I. Jewell reside, and where do the children above named, live?

5. Look at the paper herewith produced to you, purporting to be a copy of the inventory of the estate of Benjamin Jewell, and say whether it is a true copy of the original, and whether the original is or is not a record of the court in which it is filed.

6. Do you, or do you not know that Benjamin Jewell died intestate? Did you examine all his papers with care, and can you certify that he did or did not leave a will?

7. Do you remember any thing of a paper in the form of a will of the said Benjamin Jewell, which was not signed? Have the goodness to say what the condition of that paper was, and if it is known to you, what has become of it? State all the circumstances particularly, the same as if you had been questioned expressly in reference to all that you know.

8. Do you know any thing more which may be material or tend to show that the plaintiffs, Sarah I. Jewell and her children, are the heirs of the late Benjamin Jewell?

PETIGRU & LESESNE,
Plffs' Att'ys.

Cross-interrogatories, to be propounded to Arnaud Beauvais, Gustave Delamar, Francis Bouis, , Planterique, P. L. L'Hermite, and Charles Poydras, in behalf of the defendants:

1st. In answering the second interrogatory, you will speak from personal knowledge alone. Were you present at the marriage of said Benjamin Jewell with Sarah I. Jewell?

2d. The fifth interrogatory is objected to, and the answer will be taken subject to the objection, that the record of a court should be proved by exemplification, attested by the seal of the court.

HUNT,
Defts' Atty.

STATE OF LOUISIANA,

Parish of Pointe Coupé.

SARAH I. JEWELL, *et al.*,
vs.
BENJ'N JEWELL.

Know all men by these presents, that by virtue of a commission issued by the Circuit Court of the United States for the South Carolina District, and hereto annexed, together with the interrogatories propounded to certain witnesses, and in pursuance of the powers granted in said commission, I, Alphonse Robin, parish judge in and for the parish of Pointe Coupé, State of Louisiana, did cause to come before me, at my office, on this day, the second of June, in the year of our Lord one thousand eight hundred and thirty-six, between the hours of ten o'clock A. M., and five of the afternoon, the following witnesses in behalf of the plaintiff, to wit:

Francis V. Bouis, a witness in behalf of the plaintiff, being duly sworn, according to law, deposeth and saith for answer to the hereto annexed interrogatories.

Depositions of F. V. Bouis.

To the first interrogatory, witness answers, that he knows the parties, plaintiff and defendant, in this case.

To the second interrogatory, that he did know the late Benjamin Jewell, since eighteen hundred and twenty, and has known him until he left the country.

To the 3rd interr'gy, deponent answers, that it was a notorious fact in this parish, that they, the late Benj. Jewell and Sarah I. Jewell, were married, and that, of course, the children named in the said interrogatory were considered as their legitimate children.

To the 4th interrog'y, he answers, that he has known Mrs. Sarah I. Jewell to reside constantly with her family in this parish, on her

plantation, until lately; that she has sold said plantation; that Mrs. D'Aigre and Mrs. Camp reside in this parish, and Mrs. Hiem in West Feliciana, Ls'na., Clarissa and Jane, in the State of Illinois, and Alexander with his mother.

To the 5th interrog'y, he knows nothing about it.

To the 6th interrog'y, deponent answers, he knows nothing of the facts and circumstances therein contained.

To the 7th, deponent answers, he knows nothing of the facts contained in that interrogatory.

To the 8th interrog'y, deponent cannot give an answer, knowing nothing about those facts.

To the cross-interrogatories propounded.

To the first question, deponent answers, that he was not present at the marriage of said Benj. Jewell with Sarah I. Jewell, and in relation thereto, did not speak from his personal knowledge.

And no other interrogatory being put, deponent has hereunto set his hand. FRANCOIS V. BOUIS.

Sworn to and subscribed before me, this day and year hereinbefore stated. A. ROBIN, *Judge.*

Charles Poydras, a witness on the part of the plaintiff, being duly sworn, deposeth and saith, in answer to the questions propounded in the hereto subjoined interrogatories.

Deposition of Chas. Poydras.

To the 1st interrog'y, witness answers that he is acquainted with the parties to the present suit.

To the 2nd interr'y, that he has been acquainted with the late Benjamin Jewell from the year 1822, until he left this country.

To the 3d int'y, that it was generally understood that Sarah I. Jewell is the widow of said Benj. Jewell, and that all the children named in the said interrogatory were their children, and born in his life time.

To the 4th interr'y, he answers that he does not know where Mrs. Sarah I. Jewell resides, but that Mrs. D'Aigre and Mrs. Camp reside in this parish, Mrs. Hiem in the parish of West Feliciana, and as to the other children, he does not know.

To the 5th inter'y, witness says he is unable to answer.

To the 6th inter'y, witness does not know whether he died intestate or not; that he did examine part of the papers of the late B. Jewell, and among them saw a document purporting to be a will, on which the names of several legatees were erased, and cannot say whether it was signed or not.

To the 7th interr'y, deponent says that he has sufficiently answered to that question in the foregoing, and he will add that he

does not know what became of that will; that he recollects that the document was put on a table by the late Judge Dormenon, when taking the inventory; that they went then to dinner, and when they returned, said document, purporting to be a will, had disappeared, and could not be found.

To the 8th interr'y, he says that he knows nothing of his personal knowledge about any right in the said Sarah I. Jewell and her children, to the estate or succession of the late Benj. Jewell.

To the cross-interrogatories propounded, deponent answers, that it is only from general and common report, that he considers the late Benj. Jewell and Sarah I. Jewell, as having been married; that he was not present at the marriage.

And deponent has signed.

CHS. POYDRAS.

Sworn to and subscribed before me,

A. ROBIN, *P. Judge.*

Antoine Planterigares, of this parish, a witness in behalf of the plaintiff, being duly sworn, deposeth and saith in answer to the interrogatories hereto subjoined.

Depositions of A. Planterigares.

To the 1st inter'y, deponent says that he knows the parties to the present suit.

To the 2nd, he says that he has been acquainted with the late Benj. Jewell since the year 1820.

To the 3d interr'y, deponent answers, that he has been informed, but does not know from personal knowledge, that Mrs. Sarah I. Jewell is the widow of B. Jewell, and that the persons named in the said interr'y are their children.

To the 4th, he answers, that he does not know.

To the 5th, deponent is unable to answer that question.

To the 6th, deponent answers that he understood that B. Jewell died at sea, and that he had no occasion to examine his papers.

To the 7th, deponent answers, he knows nothing about the facts therein stated.

To the 8th, deponent answers, he knows nothing in relation thereto.

Deponent, in answer to the cross-interrogatories, says that he was not present at the marriage of the late B. Jewell and Sarah I. Jewell.

No further interrogatory being put, deponent has signed,

PLANTERIGARES.

Sworn to and subscribed before me,

A. ROBIN, *Judge.*

Pierre Louis L'Hermite, a witness on the part of the plaintiff,

being duly sworn, deposeth and saith, in answer to the hitherto annexed interrogatories.

Deposition of P. L. L'Hermite.

To the first interrogatory, deponent answers, that he knows the parties to the present suit.

To the 2nd, that he has been acquainted with the said Benj. Jewell, since the year 1819.

To the 3d inter'y, deponent answers, that Mrs. Sarah I. Jewell is generally considered as the widow of the late B. Jewell; that the children mentioned in said interrogatory, have also at all times been considered as the legitimate children of the late B. Jewell and Sarah I. Jewell, and that said B. Jewell treated them as such.

To the 4th interr'y, witness answers, that Mrs. Sarah I. Jewell, to the deponent's knowledge, has resided with her children, in this parish, and does not know where she now resides; that Mrs. Camp resides in this parish.

To the 5th interrog'y, deponent is unable to answer.

To the 6th interrog'y, deponent answers, he does not know; that he has examined the papers of B. Jewell's estate, with care, but has no particular recollection about them; he will state only that during the examination of the papers, a will was found, signed, but in the body of the will there were many erasures, and names had been struck off; that said document had been left on the table on which the process verbal of inventory was taken, when the persons attending to said inventory, were called to dinner, and when they returned, said will had disappeared, and could not be found.

To the 7th int'y, deponent answers, that there was found a document which appeared to deponent to be a copy of the will above mentioned, but there was no signature to it.

To the 8th interrogatory, deponent answers, that he knows nothing in relation to the facts contained in said interrogatory of any advantage to the plaintiff.

To the cross-interrogatory, witness answers, that he was not present when Mrs. Sarah I. Jewell and Benj'n Jewell were married.

No other question being put, deponent has signed,

P. L. L'HERMITE.

Sworn and subscribed before me,

A. ROBIN, *Judge.*

Arnauld Beauvais, a witness on the part of the plaintiff, being sworn, deposeth and saith, in answer to the hereto annexed interrogatories.

Deposition of Arnauld Beauvais.

To the first interrogatory, deponent says, that he knows the parties in the present suit.

To the second, that he has been acquainted with the late B'n Jewell, since 1805 up to his death.

To the 3d interrogatory, he says, that he considers Sarah I. Jewell as the widow of B. Jewell, and the children therein mentioned as their legitimate children.

To the 4th interr'y, he says, that Mrs. S. I. Jewell resides in the parish of Point Coupé; that Mrs. H. R. Hiem resides at West Felicina, and the other children in the parish of Point Coupé.

To the 5th interr'y, witness is unable to answer.

To the 6th inter'y, witness knows nothing, having never had occasion to examine the papers of the deceased.

To the 7th, witness states, that he never has seen such a document.

To the 8th, witness says, that he has always known the late Benj. Jewell and S. I. Jewell, as husband and wife, and their children as their legitimate children, born of their marriage.

To the cross-interrogatory,

Witness answers, that he was not present at the marriage of the late Benj. Jewell and S. I. Jewell.

A'D BEAUVAIS.

Sworn to and subscribed before me,

A. ROBIN, *Judge.*

Gustave Delamar, a witness in behalf of the plaintiff, being sworn, in answer to the hereto annexed interrogatories.

Deposition of Gustave Delamar.

To the first interrogatory, witness says, that he knows the parties to the present suit.

To the second, he says, that he has known the late Benjamin Jewell from 1823 up to the time of his late voyage to the north.

To the 3d inter'y, witness says, that he believes S. I. Jewell to be the widow of the late B. Jewell, and that the children therein named are their legitimate children, and were considered as such.

To the fourth, he says, that they reside in the parish of Point Coupé.

To the fifth, he says, that he is unable to answer, no paper being presented to him.

To the 6th, he says, that the only thing he knows is, that the late B. Jewell died at sea.

To the 7th, he says, that he distinctly recollects a document purporting to be a will, the names of the legatees being therein erased;

he does not recollect whether it was signed, but after all, considers the same as void.

To the 8th inter'y, witness knows nothing material to the case.

To the cross-interrogatory, witness answers, that he was not present at the marriage of the late Benj. Jewell and Sarah I. Jewell.

G'VE. DELAMAR.

Sworn to, and subscribed before me,

A. ROBIN, *Psh. Judge.*

STATE OF LOUISIANA,
Parish of Pointe Coupé.

I do hereby certify, that the foregoing are the depositions of F. V. Bouis, Charles Poydras, A. Planterigares, jr., P. L. L'Hermite, A. Beauvais, and G. Delamar, witnesses, sworn and examined by me, as set forth in the caption thereof, and that they did sign their names to said depositions before me.

Given under my hand and seal, at Pointe Coupé, June 2d, 1836.

[L. S.]

A. ROBIN, *Parish Judge.*

Commission No. 2, to examine Gustave Delamar and P. L. L'Hermite.

THE UNITED STATES OF AMERICA,
District of South Carolina.

In the Circuit Court of the United States.

The State of South Carolina to Thomas J. Cooley, Esq., Randal Hunt, Esq., and T. G. Hunt, Esq., greeting:

Whereas, a certain cause is now depending in the Circuit Court of the United States, wherein Sarah I. Jewell is plaintiff, and Benjamin Jewell and others are defendants; and it being necessary to the investigation of the said cause, that certain persons, to wit, Gustave Delamar and P. L. L'Hermite, resident in or near St. Francisville, in the State of Louisiana, should be examined on certain interrogatories: Now, know ye, that in confidence of your prudence, ability and integrity, you are by these presents appointed, and full power and authority are given hereby to you, any two or more of you, diligently to examine all witnesses whatsoever upon certain interrogatories to be exhibited to you, as well on the part of the said plaintiff, as on the part of the said defendants, or either of them; and therefore you, any two or more of you, are hereby authorized and required, on certain days, and at certain places, *or* to be appointed by you for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them apart on the said

interrogatories, on their respective corporal oaths, first taken before you, any two or more of you, and to take such their examinations and reduce them into writing on paper; and when you shall have so taken them, to send the same to the Judges of the said Circuit Court of the United States, for the said district, in the State aforesaid, closed up, and under your seals, distinctly and plainly set, together with the said interrogatories and this writ. And you and every of you, are hereby further required, that before you act in, or be present at the swearing or examining of any witness or witnesses, you do severally take the oath first specified in the schedule hereunto annexed. And you, or any two or one of you, are hereby authorized and empowered, jointly or severally, to administer such oath to the rest or any other of you; and you are hereby further authorized and required, jointly and separately, to administer the oath last specified in the said schedule hereunto annexed, to all and every of the clerks or clerk employed in taking, transcribing or engrossing the deposition or depositions of witnesses so examined by virtue of these presents, before they or he shall be permitted to act as clerks or clerk, or be present at such examination.

Witness Henry Y. Gray, Esq., Clerk of the said Court, this tenth day of February, in the year of our Lord, one thousand eight hundred and forty-one, and in the sixty-fifth year of the sovereignty and independence of the United States of America.

[SEAL OF COURT.] H. Y. GRAY, *Dist. Clk.*

PETIGRU & LESESNE, *Attorneys.*

Commissioners' Oath.

You shall, according to the best of your knowledge, truly, faithfully and without partiality to any or either of the parties in this cause, take the examination and deposition of all and every witness and witnesses, produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now produced and left with you. And you shall not publish, disclose, or make known to any person or persons whatsoever, except the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other commissioners in the commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of the Circuit Court of the United States for South Carolina District. So help you God.

Clerks' Oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take and write down, transcribe and engross, the depositions of all and every witness and witnesses produced before and examined by the commissioners, or any of them,

named in the commission hereunto annexed, as far forth as you are directed and employed by the said commissioners, or any of them, to take and write down and engross the said depositions or any of them. And you shall not publish, disclose, or make known, to any person or persons whatsoever, the contents of all or any of them, the depositions of the witnesses, or any of them, to be taken or written down, transcribed or engrossed by you, or where to you shall have recourse, or be any ways privy, until publication shall pass by rule or order of the Circuit Court of the United States for South Carolina District. So help you God.

Instructions for the Commissioners.

The commissioners must first attend to the instructions contained in the commission; after which, when they are proceeding to business, they will put the first interrogatory to the first witness produced, and set down his answer thereto on a sheet entitled "Depositions of witnesses sworn and examined," &c.; when done with this, they will put the second interrogatory, and set down his answer to that also, and so on, till they have finished putting the interrogatories to him. They will then proceed to examine such other witnesses as may be produced; in which case they will entitle their depositions in the same manner as those of the first, with the difference of the parties' name, age, &c. They will then fix and seal the several sheets together, and set their hands and seals at the bottom of the whole, and their hands to each sheet, leaving the covering sheet on the outside of the whole. Then enclose the whole, commission and all, in a large paper well sealed up, with their seals, with their names affixed thereto; and having first endorsed the packet, on a corner thereof, with the names of the parties, in the same manner as is done on the covering sheet of the depositions, direct the same to Henry Y. Gray, Esq., District Clerk, Charleston, South Carolina.

If this commission is returned by post, one of the commissioners who examined the witness, must endorse and sign a certificate that the same was lodged by himself in the post office at

N. B. Should the sheets annexed not be sufficient, the commissioners can easily tack others thereto, putting the covering sheet over the whole. And of the commissioners will be sufficient to take the examination.

SARAH I. JEWELL
vs.
BENJAMIN JEWELL.

Interrogatories to be propounded to Gustave Delamar and P. L. L'Hermite.

For P. L. L'Hermite.

1. When you were examined in this case, in the month of

June, 1836, before A. Robin, Parish Judge, for the Parish of Pointe Coupé, you stated "That among the papers (of B. Jewell) a will was found, signed, but in the body of said will were many erasures, and names had been struck off; that said document had been left on the table in the room in which the process verbal of inventory was taken, when the persons attending said inventory were called to dinner; and when they returned, said will had disappeared, and could not be found." Have the goodness to state, whether, when you were called to dinner, you left the room, or only left your seats at the table on which the papers were? Describe what was done, and state where you examined the papers, and where you dined, and whether Sarah Jewell was at dinner with you or not?

2. Was there present at taking the inventory a judge? What was his name? Is he living? What sort of reputation did he bear as an able man and an upright judge? Are the other parties living?

3. Do you recollect that before you were called to dinner, the judge threw some waste papers under the table and ordered them to be burnt? Do you know whether he had laid aside the paper supposed to be a will, or had thrown it among the waste papers? Is it or is it not true, that all the papers relating to the succession were considered in the charge of the judge, while the inventory was in progress?

4. Were the circumstances respecting the disappearance of the will known to the defendant, Benjamin Jewell, at the time or soon afterwards? Was he or any of his mother's children in Louisiana at that time? Did any of them know of the paper mentioned above, and of its disappearance? Have any measures ever been taken in Louisiana to charge Sarah Jewell or any one else with purloining or destroying the said paper? If you answer in the affirmative, state all you know of the charge and its results.

For Gustave Delamar.

In your examination in this case, in the month of June, 1836, you say among other things, that you have a "distinct recollection of a document purporting to be a will, the names of the legatees being therein erased; whether it was signed or not, he does not recollect, but after all, considers the same as void." Have the goodness to state what became of the said paper, and state all the circumstances, and particularly whether the persons who took the inventory left the room when they were called to dinner, or only took their seats at the dinner table in the middle of the chamber. State the particulars, and say whether Sarah Jewell and her family were at dinner with you?

2. What persons assisted at taking the inventory? Who was the judge? Is he living? What sort of reputation did he bear as an able man and an upright judge? Is it, or is it not true, that all

the papers relating to the succession were considered in the charge of the judge, while the inventory was in progress?

3. Were any papers thrown aside as useless, and ordered to be burnt? Was, or was not the paper mentioned by you, considered as an useless paper?

4. Was the circumstance of such paper being found, and the fact of its disappearance, known to defendant, or his relations by the mother's side? Were any of them in Louisiana at the time? Has the plaintiff, Sarah I. Jewell, ever been charged with having purloined or destroyed the said paper? If you answer in the affirmative, state the charge and the result.

For both Witnesses.

5. Look at the paper produced to you, and say, whether it is an authentic copy of the process verbal of the inventory of the estate of Benjamin Jewell.

6. Do you know any thing more, tending to shew that Benjamin Jewell died intestate.

PETIGRU & LESESNE, *Pl'ffs' Att'ys.*

BENJAMIN JEWELL and others, *ads.* DOE, ex dem. SARAH I. JEWELL.

Cross-Interrogatories, to be administered to Gustave Delamar and P. L. L'Hermite, witnesses, to be produced, sworn, and examined, on the part and behalf of the plaintiffs.

1st Cross-Interrogatory. State whether the widow of Jewell was not present, and able, by adroit management, to cause an apparent accident? And was any other important document lost but the will? Declare fully and particularly.

2d Inter'y. If you speak of a judge being present, state if he did not express great surprise and chagrin, that so important a paper as the will of the deceased had disappeared?

3d Interr'y. Have you any, and if so, what reason to suspect the judge was a party concerned in throwing the will of the deceased under the table, as waste paper? or, that he ordered or directed the waste paper to be burnt in his absence? Declare fully and at large all you know, have heard, and do believe, touching the subject matters embraced in this cross-interrogatory.

4th Inter'y. Do you know that any positive proof exists of the burning of the will? or, any legal evidence of its contents?

5th Interr'y. The defendant requires an official and duly authenticated copy of any process verbal, or other document, to be produced in evidence, to be duly certified in full conformity with the provisions of the act of Congress.

BENTHAM & HUNT, *Def'ts Atty's.*

Depositions of Gustave Delamar.

STATE OF LOUISIANA,
Parish of Point Coupee:

We, the undersigned, Adolphe Belzons, Clerk of the 4th District Court for the Parish of Point Coupee, and Jacob C. Vanwickle, Sheriff of said parish, having been called upon by Mrs. Sarah Isaacs (widow) Jewell, to execute a commission issued from the Hon'ble the Circuit Court of the United States for the District of South Carolina, at the suit of said Sarah I. Jewell vs. Benjamin Jewell, to take the depositions of Pierre Ls. L'Hermite and Gustave Delamar, witnesses, residing in the Parish of Point Coupee aforesaid, and having administered to each other the oath required in the commission, have on this day proceeded to take the deposition of Gustave Delamar, one of the witnesses, who was duly sworn by us upon the Holy Evangelists, according to the directions in the said commission, and have reduced his examination to writing, as follows, viz:

To the 1st Inter'g, witness says: That, as far as he recollects, he stated in his former depositions that some of the names of the legatees were erased; however, he refers to his former answers. Says he does not know what became of the will. [Says he does not recollect, but believes Mrs. Jewell and family were at dinner with them.

To the 2d inter'y, witness says: Mr. Planteriques, Mr. D'Aigre, Mr. L'Hermite, Mr. Domenon, and himself, and (witness thinks) Mr. Verger Vignes, son-in-law of the deceased, were present at the taking of the inventory. Says Peter Domenon was the judge who made the inventory; he is dead; he believes he was an able man, and had the reputation of being an upright judge. Says he considered the papers relating to the succession under the charge of the judge.

To the 3d Inter'y, witness says: That some papers were thrown under the table by the judge, as useless. Says, that they were swept into the fire place and burnt, as he thinks. Says that he considers those papers as useless.

To the 4th inter'y, witness says: That he believes Mr. Verger Vignes was present when the inventory was taken, and when the paper, purporting to be a will, was found. He does not recollect whether he was present when the paper disappeared. Says that several of the defendant's brothers and sisters, on mother's side, were in Louisiana, and in Point Coupee at the time. Says he has never heard any charge of the kind being brought against Mrs. Sarah I. Jewell.

To the 5th Interr'y, witness says: No paper being presented to him, he cannot answer.

To the 6th Interr'y, witness says: He does not know.

Cross-Examination.

To the 1st Cross-Inter'y, witness says: He believes Mrs. Jewell was present when the judge perceived that the paper was missing, which was immediately after dinner, but cannot say whether Mrs. Jewell was capable, by adroit management, to cause the disappearance of the paper; thinks there was no other important document missing, but the paper said to be a will.

To the 2d Cross-Inter'y, witness says: The judge was astonished and showed much chagrin about the disappearance of the paper, on account of singularity of the accident.

To the 3d Cross-Inter'y, witness says: That he has no reason to believe that the judge was a party concerned in throwing the will of the deceased under the table, as waste paper. Says the judge did not order the waste papers to be burnt in his absence.

To the 4th Cross-Inter'y, witness says: No; and has no recollection of the contents of the paper.

To the 5th Cross-Inter'y, witness says: The defendant will do as he pleases as to that.

G'VE. DELAMAR.

Sworn to and subscribed before *me*, this 30th day of March, A. D. 1841.

[L. S.] In testimony of which, we have hereunto set our signatures, and affixed the seal of the 4th Dist. Court, on the above written day.

A. BELZONS, *Clerk 4th Dist. C.*
J. C. VANWICKLE, *Sheriff.*

Depositions of Pierre Ls. L'Hermite.

STATE OF LOUISIANA,
Parish of Point Coupée:

We, the undersigned, Adolphe Belzons, Clerk of the 4th Judicial District Court for the Parish of Point Coupée, and Jacob C. Vanwickle, Sheriff of said parish, having been called upon and requested by Mrs. Sarah Isaacs, widow B. Jewell, to execute a commission issued from the Honorable the Circuit Court of the United States for the District of South Carolina, in the suit of Sarah I. Jewell vs. Benjamin Jewell, to take the depositions of Pierre Louis L'Hermite and Gustave Delamar, witnesses, residing in the Parish of Point Coupée aforesaid, and having administered to each other the oath required in the commission, have, on this day, proceeded to take the depositions of Pierre Louis L'Hermite, one of the witnesses, who was first duly sworn by us upon the Holy Evangelists, according to the directions in the commission, and have reduced his examination to writing, as follows, viz:

To the 1st Interr'y, witness says: That he refers to his depositions given in the month of June, 1836, as stated in the interrogatory. Says he only left his seat, he did not leave the room where the papers were. Says that we dined in the same room where they were examining the papers of the deceased, and that Mrs. Sarah I. Jewell was at table with them, as far as he recollects.

To the 2d Interr'y, witness says: That there was a judge present at the taking of the inventory; his name was Peter Dormenon, and is now dead. Says that the reputation of said judge was that of an able man, and an upright judge. Says that Benjamin, Joseph and Washington Jewell, and Mrs. Mayers, and Mrs. Verger Vignes, their sisters, are now living.

To the 3d Inter'y, witness says: That it is customary to lay aside waste papers, but he does not recollect that the judge ordered any to be burnt. Says that the will was not thrown among waste papers; that it was laid on the table by the judge. Says he believes that the papers were in the custody of the judge.

To the 4th Inter'y, witness says: Benjamin Jewell was not present; that he might have been informed of it afterwards. Says he believes all the parties mentioned in his answer to the 2d interrogatory, were in Louisiana at the time, except Washington Jewell. Says he does not know whether any of them knew of the existence of the paper mentioned above, nor of its disappearance. Says that it is not, to his knowledge, that any measures ever have been taken to charge Sarah Jewell, or any one else, with the destroying of said paper.

To the 5th Inter'y, witness says: No paper is produced.

To the 6th Inter'y, witness says: He knows nothing about it.

Cross-Examined.

To the 1st Cross-Inter'y, witness says: He cannot answer such a question; that he has no reason nor cause to believe Mrs. Jewell capable of such an act.

To the 2d Cross-Inter'y, witness says: That judge Domenon did express great surprise and chagrin that said will had disappeared.

To the 3d Cross-Interr'y, witness says: He does not believe the judge was capable of being concerned in throwing the will of the deceased under the table, as waste paper, and does not believe that he ordered the waste papers to be burnt in his absence.

To the 4th Cross-Inter'y, witness says: He knows that the will disappeared, and recollects nothing of its contents.

To the 5th Cross-Inter'y, witness says nothing.

P. L. L'HERMITE.

Sworn to and subscribed before us this 27th day of March, A. D. 1841.

In testimony of which, we have hereunto set our signatures, and affixed the seal of the 4th District Court, on the day above written. [L. s.]

A. BELZONS, *Clerk 4th Dist. Court.*
J. C. VANWICKLE, *Sheriff.*

And then the counsel, learned in the law, of the said defendants, to maintain and prove the said issue on their part, called the following witness, who testified as follows, that is to say:

Col. R. Howard testified, that he remembers Benjamin Jewell perfectly well. That the lady who passed as the wife of Benjamin Jewell, was a small woman. That she passed as the wife of the said Benjamin Jewell, and that he, the witness, never heard any scandal against her. That Benjamin Jewell kept a store, and that he, the witness, bought many things there to send into the country.

On his cross-examination, this witness testified, that the woman referred to by him attended in the store of Benjamin Jewell. That she appeared to be an active woman. That she did not seem like a stupid person, and did not appear to have any difficulty in understanding him (the witness), when he conversed with her in English.

And the said defendants, further to maintain the said issue on their part, produced and read in evidence the depositions of witnesses, which said depositions are in the words and figures following, to wit:

THE UNITED STATES OF AMERICA,
South Carolina District:

Interrogatories to be propounded to Peter Catonnet, a witness to be examined for the defendants.

1. What is your age and business?
2. Were you acquainted with Benjamin Jewell, deceased? When did you first become acquainted with him, and where? How long did your acquaintanceship continue? Did you know him intimately? Were you acquainted with him in Savannah, where he was reputed to have been married?
3. Do you know Sophia Jewell, formerly Sophia Prevost? When and where did you first become acquainted with her? Were you or not as intimately acquainted with her as with said Benjamin Jewell?
4. Do you or not remember distinctly and at what time, say as

nearly as you can, the occurrence of a reputed marriage between said Benjamin and Sophia, at Savannah? Were you or not there at the time?

5. Do you or not remember the matter being notoriously spoken of, as a marriage that had just taken place, among the acquaintances of the parties? State fully all you remember. Did you or not hear the marriage spoken of the day after the marriage had taken place?

6. Do you or not remember said Benjamin Jewell being congratulated, by his friends, generally, on the occasion of his marriage? Did you or not yourself congratulate him on the occasion?

7. Did or not the said Benjamin Jewell, himself, admit the marriage? Did he not call the said Sophia his wife, and by the name of Mrs. Jewell? And was there, as far as you know, a supposition to the contrary of her being his wife? Did you ever hear him, or any acquaintance of Jewell's, say or surmise, that the said Sophia was the kept mistress of Jewell? Was she or not called by the people, in Savannah, Mrs. Jewell?

8. Do you remember the arrival of said Sophia and her mother and sisters, in Savannah?

9. Did they not appear to you a family of respectability? Had they not some property, and how much? What was the character of said Sophia, in particular?

10. How long did said Benjamin and Sophia reside in Savannah? During the whole of that time, were they or not reputed man and wife, and received in society as such?

11. Do you know any thing of the mode in which the marriage was solemnized? State it fully.

12. Did you know said Benjamin and Sophia in Charleston, and when and during what period? State it as accurately and as fully as you can remember.

13. Did the said Benjamin and Sophia live there together, as man and wife? Was there, as far as you know, a suspicion to the contrary?

14. Were or not the children reputed legitimate children? Did you ever hear or entertain a suspicion to the contrary of that?

15. Was or not the marriage of the said Benjamin and Sophia, as well understood and believed in, as any marriage you ever knew?

16. If there be any other matter within your recollection, serving to substantiate the fact of said marriage, please state the same fully.

HUNT, *Def'ts' Att'y.*

SARAH JEWELL, et al.
vs.
BENJAMIN JEWELL.

Cross-interrogatories for Peter Catonnet, residing in Augusta, Geo., a witness to be examined on the part of the defendant.

1. Is it not a fact, that Benjamin Jewell and Sophia Prevost, after living together a number of years, separated, and both of them married? Don't you know that Benjamin Jewell married a lady of Richmond, and Sophia Prevost changed her name for that of Stone, in Jewell's lifetime?

2. Did you never hear of the suit for marriage contract, brought by Sophia Prevost, against Benjamin Jewell, and that it was compromised by his paying her five hundred dollars, and she agreeing to live on as they were then living?

3. Can you name any respectable family in Savannah, in which Sophia Prevost was received as a visiting acquaintance?

4. If you say that they, Sophia and Benjamin, were reputed to be married, say in what year it was supposed the marriage took place, and who performed the ceremony?

PETIGRU & LESESNE,
6 April, 1838. *Plaintiffs' Attorneys.*

In reply.

1. Do you know that Jewell was a cunning business man, and was or was not his wife a simple woman, unacquainted with law or the management of business?

2. Did you visit and receive Benj. Jewell and his wife Sophia on terms of intimacy? Was she ever held as a kept mistress, or was she received as a married woman?

3. Do you remember hearing at the time, that Jewell was married by a magistrate, and who were the magistrates then residing in Savannah?

UNITED STATES COURT, *Charleston Dist.*

SARAH I. JEWELL, and others,
vs.
BENJ. JEWELL, and others.

Depositions of Peter Catonnet, a witness, examined in Augusta, Geo., by Antonio Picquet, commissioner and notary public, and Adolphus Gardelle, and Henry H. Cumming.

The witness and commissioners being duly sworn.

1. To the first interrogatory in chief, the witness answers, that he is sixty-seven years of age, and his business, a merchant.

2. To the second interrogatory in chief, the witness answers, that he was acquainted with Benjamin Jewell, deceased; that he became acquainted with him in the year, or about the year, seventeen hundred and ninety-five, in Savannah, Georgia; the acquaintance continued there until eighteen hundred, or about that year. Witness knew him, as merchants living in the same town know each other, and who have had dealings together. Witness knew him before and after he was reputed to have been married.

3d. To the third interrogatory in chief, the witness answers, that he became acquainted with on her arrival in Savannah, in the year seventeen hundred and ninety-four or ninety-five. Witness knew her, and knew Benjamin Jewell.

4. To the fourth interrogatory in chief, the witness answers, that shortly after her arrival in Savannah, Geo., she was reputed to be married to Benjamin Jewell, and it was spoken of, generally, at that time, as having just taken place. Witness lived in Savannah at the time.

5. To the fifth interrogatory in chief, the witness answers, that the first part of this interrogatory he has answered in the preceding answer. Witness does not recollect any particulars in relation to the precise day alluded to.

6. To the sixth interrogatory in chief, the witness answers, that he does not recollect having congratulated Benjamin Jewell, or of hearing of his being congratulated by any of his friends, on his marriage.

7. To the seventh interrogatory in chief, the witness answers, that he has heard Benjamin Jewell frequently call the said Sophia by the name of Mrs. Jewell, and that he called her his wife. Witness never heard her called by any other name, or suspected to have been his kept mistress; she was called, by the people of Savannah, Mrs. Jewell.

8. To the eighth interrogatory in chief, witness answers, that he remembers her arrival in Savannah, with her mother and sisters.

9. To the ninth interrogatory in chief, the witness answers, that they arrived from the West Indies, from whence they had emigrated, like many others at that time. They had some negroes and some other property; witness knows not how much. Witness believes that she and her family enjoyed a good reputation, and were of respectability. She was an industrious lady, and assisted her husband, in Savannah and Charleston, in the selling of his goods as a retailing merchant.

10. To the tenth interrogary in chief, the witness answers, that they resided about two years in Savannah, and about as many more in the country. They were reputed to be man and wife, during that time; witness does not recollect the society they frequented, but believes it was in a respectable circle, suited to their pecuniary circumstances in life.

11. To the eleventh interrogatory in chief, the witness answers,

that he only knows from report, that they were married by a justice of the peace, but knows not his name, nor how the marriage was solemnized.

12. To the twelfth interrogatory in chief, the witness answers, that he knew them both in Charleston, from the year eighteen hundred and four or five, to the year eighteen hundred and twelve and thirteen.

13. To the thirteenth interrogatory in chief, the witness answers, that the said Benjamin Jewell and Sophia lived at that time as man and wife. Witness never heard any suspicion to the contrary.

14. To the fourteenth interrogatory in chief, the witness answers, that the children were reputed legitimate; witness never heard any thing to the contrary.

15. To the fifteenth interrogatory in chief, the witness answers, *that* yes; for he knew nothing to the contrary.

16. To the sixteenth interrogatory in chief, the witness answers, that his acquaintance, with both of them, grew out of mercantile transactions: he dealt with witness, who saw her frequently engaged in attending to the store of Benjamin Jewell, and acting as his wife and assistant.

1. To the first cross-interrogatory, the witness answers, that he heard they had had some disagreement, and that Benjamin Jewell went to Richmond, where he married; after which time, he went to New Orleans. Witness has some faint recollection of her having been called Storne; but whether it was in the life time of Jewell, or thereafter, witness does not recollect.

2. To the second cross-interrogatory, the witness answers, that he does not recollect any thing in relation to this interrogatory.

3. To the third cross-interrogatory, the witness answers, that he does not recollect the names of the families visited by Mrs. Jewell, or Prevost.

4. To the fourth cross-interrogatory, the witness answers, that he has answered this interrogatory in his reply to the eleventh direct interrogatory.

1. To the first interrogatory in reply, the witness answers, that he believes, that Benjamin Jewell was a cunning business man; that she was unacquainted with law, and any business other than the ordinary selling of goods in a retail store.

2. To the second interrogatory in reply, the witness answers, that he received Benjamin Jewell and Sophia Jewell, as merchants receive their customers; but witness was not on terms of great intimacy with either of them. Witness does not believe that she was held as a kept mistress, but that she was considered to be his wife.

3. To the third interrogatory in reply, the witness answers, that

he remembers hearing, that Jewell was married by a magistrate; witness does not recollect who were the magistrates residing at that time in Savannah.

PETER CATONNET.

Sworn to and subscribed, before us, this twelfth day of April, in the year of our Lord eighteen hundred and thirty-eight.

ANTONIO PICQUET, *Com'r.* [L. S.]
ADOLPHE GARDELLE, *Com'r.* [L. S.]
HENRY H. CUMMING, *Com'r.* [L. S.]

Depositions of John H. Berry, taken by Judge Lee.

UNITED STATES OF AMERICA,
District of South Carolina.

BENJAMIN JEWELL, *ads.* SARAH I. JEWELL, et al. } Case of ejectment.

Interrogatories to be administered to John H. Berry, a witness, resident in Charleston, and about to leave the State of South Carolina.

1st. What is your age and business?

2. Were you or not, in the early part of your life, and when, a resident of Savannah, in the State of Georgia? During what period did you reside there?

3. Were you acquainted with one Benjamin Jewell, deceased? When and where did you first become acquainted with him? How long did that acquaintanceship continue?

4. Did you know Mrs. Sophia Jewell, the wife of Benjamin Jewell, deceased? When and where did you first become acquainted with her? How long did that acquaintanceship continue?

5. Did you or not know Mrs. Jewell, when she was single, and by what name?

6. Do you or not remember, and if so, when and where, the marriage of the said Benjamin and Sophia being publicly spoken of as having just taken place? State, fully and particularly, all you can recollect on this subject.

7. Were you or not present, and when and where, at a party given by said Benjamin and Sophia, on occasion of their marriage? State fully and particularly.

8. Were or not Mrs. Jewell's family present, at said party? State, fully and particularly, which of her relations were there?

9. Did you or not congratulate Mr. and Mrs. Jewell, on their marriage?

10. Was or not the marriage of said Benjamin and Sophia, notoriously spoken of in the community of Savannah, at the time?

11. Were they or not, from that time, reputed and received in the community, as man and wife ?

12. Did you or not know said Benjamin and Sophia, in Charleston, and when ? Did they or not then live as man and wife ? What business did Jewell carry on in Charleston, and where was his place of business ?

13. Did said Benjamin and Sophia have a number of children, when you knew them in Charleston ?

14. Did you, during your acquaintance with said Benjamin and Sophia, in Savannah and Charleston, ever have occasion to suspect, that said Sophia was the kept mistress of Benjamin Jewell ? Did you ever hear any one surmise that she was ?

15. If you know of any other matter, not embraced in the foregoing interrogatories, serving to shew that said Sophia and Benjamin were lawfully married, and lived together as man and wife, please to state the same fully.

HUNT,
Att'y. for Def't.

JEWELL, *ads.* JEWELL, et al.

Personally appeared John B. Thompson, attorney of the defendant, and made oath, that the testimony of the within named witness is very important to the defendant in this case. That said witness has informed deponent, that he the witness intends shortly to quit this State for Georgia, and that the witness will not be in South Carolina at next term of the court, when it is contemplated to try the present case. That deponent's client is therefore in danger of losing the benefit of the witness's evidence at the trial, unless it is taken in writing. Deponent prays an order of court for that purpose, in conformity to the act of Congress in such case made and provided.

JOHN B. THOMPSON.

Sworn to before me, 13th March, 1838.

OLIVER M. SMITH,
Not. Pub.

On motion of J. B. Thompson ordered, that the testimony of the within witness be taken before me, on Friday next, the 16th inst., at 12 o'clock M.

13th March, 1838.

THS. LEE.

SARAH JEWELL, et al.
vs.
BENJAMIN JEWELL, et al.

John H. Berry.

To the 1st interrogatory—Was a resident in Savannah in the year 1795; he is a baker by trade, and about 52 years of age.

To the 2d—He remained in Savannah till the year 1804, and has been to and fro, ever since.

To the 3d—He got acquainted with B. Jewell, in Savannah, at Mrs. Prevost's, a segar maker, then lately from the W. Indies; his acquaintance continued until about 1807, when he left this for Savannah.

To the 4th—He was acquainted with Mrs. Jewell at her mother's house, and knew her brother, Decany; indeed he was acquainted with the whole family; one of witness's brothers courted Louisa, the youngest daughter of Mrs. Prevost, a sister of Mrs. Jewell; she married one Hunter, and after his death one capt. Anthony.

To the 5th—He knew Mrs. Jewell previous to her marriage; thinks she was called Sophy.

To the 6th—He was present at Mrs. Prevost's, where he went to fight cocks; that he was asked in by Prevost; that he went, ate some cake, wished Jewell joy; other men and women came in. That a few days afterwards, he saw her in Jewell's store, attending and selling things; that they were seen by him walking about the streets as man and wife; that he being a jew, and she a catholic, they were married by a magistrate, as he was informed; he believes, that the magistrate's name was White. That as long as he staid in Savannah, they were considered and known as man and wife; they had two or three children living in the house; there was no scandal about their living together; they associated with persons of the same caste as man and wife.

To the 7th interrogatory—Mr. Catonnet was in Savannah at the time, and knew Jewell and his family.

To the 12th—He knew Jewell and his wife in Charleston, in 1806, and the same woman lived with him in Queen street, and afterwards removed to the Corner of Longitude lane, on the Bay, where they kept a clothing store; his wife attended in the store; they had five or six children, who lived with them.

To the 14th—He never heard it surmised, that Mrs. Jewell was a kept mistress. They were respected in the community, as far as he knew, as man and wife.

Cross-Interrogatories.

He does not know who told him that White, the magistrate, married them; he cannot say that any body told him, but thinks it was a matter of common conversation.

He does not recollect what White's Christian name was, but believes he is still alive. White lived near the burying ground in the year 1837, February. White was a magistrate, a trading justice, and lived by that employment.

He never heard of Mrs. Jewell's marriage with Storne, in Jewell's life time.

JOHN H. BERRY.

Commission to examine John Haupt and Isaac Minis.

THE UNITED STATES OF AMERICA,
District of South Carolina.

The President of the United States of America, to Millen, Kollock, Levi S. D'Lyon and Charles Charlton, Esqrs., greeting:

Whereas, a certain cause is now depending in the circuit court of the United States, wherein Sarah I. Jewell, and others, are plaintiffs, and Benjamin Jewell is defendant; and it being necessary to the investigation of the said cause, that certain persons resident in Savannah, Georgia, should be examined on certain interrogatories: Now, know ye, that in confidence of your prudence, ability and integrity, you are by these presents appointed, and full power and authority are given hereby to you, any two or more of you, diligently to examine all witnesses whatsoever, upon certain interrogatories to be exhibited to you, as well on the part of the said plaintiffs, as on the part of the said defendant, or either of them; and therefore you, any two or more, of you are hereby authorized and required, on certain days, and at certain places, *or* to be appointed by you for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them apart on the said interrogatories, on their respective corporal oaths first taken before you, any two or more of you, and to take such their examinations and reduce them into writing on paper; and when you shall have so taken them, to send the same to the judges of the said circuit court at Charleston aforesaid, closed up, and under your seals distinctly and plainly set, together with the said interrogatories and this writ. And you, and every of you, are hereby further required, that before you act in, or be present at the swearing or examining of any witness or witnesses, you do severally take the oath, first specified in the schedule hereunto annexed. And you, or any two or one of you, are hereby authorized and empowered, jointly or severally, to administer such oath to the rest, or any other of you; and you are hereby further authorized and required, jointly and separately, to administer the oath last specified in the said schedule hereunto annexed, to all and every of the clerks or clerk employed in taking, transcribing, or engrossing the deposition or depositions of witnesses so examined,

by virtue of these presents, before they, or he, shall be permitted to act as clerks, or clerk, or be present at such examination.

Witness, R. B. Taney, chief justice of the United States, this seventh day of April, in the year of our Lord one [L. S.] thousand eight hundred and forty, and in the 64th year of the sovereignty and independence of the United States of America.

Commissioners' Oath.

You shall, according to the best of your knowledge, truly, faithfully and without partiality to any or either of the parties in this cause, take the examination and deposition of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now produced and left with you. And you shall not publish, disclose, or make known, to any person or persons whatsoever, except the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you, and the other commissioners in the commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of the said circuit court. So help you God.

LEVI S. D'LYON,
GEO. J. KOLLOCK,
ROB. M. CHARLTON.

Clerk's Oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take and write down, transcribe and engross the depositions of all and every witness and witnesses produced before and examined by the commissioners, or any of them, named in the commission hereunto annexed, as far forth as you are directed and employed by the said commissioners, or any of them, to take and write down and engross the said depositions, or any of them. And you shall not publish, disclose, or make known to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken or written down, transcribed or engrossed by you, or whereto you shall have recourse or be any ways privy, until publication shall pass by rule or order of said circuit court. So help you God.

ROBERT M. CHARLTON.

Instructions for the Commissioners.

The Commissioners must first attend to the instructions contained in the commission; after which, when they are proceeding

to business, they will put the first interrogatory to the first witness produced, and set down his answer thereto on a sheet entitled, "Depositions of witnesses, sworn and examined," &c. When done with this, they will put the second interrogatory, and set down his answer to that also, and so on till they have finished putting the interrogatories to him. They will then proceed to examine such other witnesses as may be produced; in which case, they will entitle the depositions in the same manner as those of the first, with the difference of the parties' name, age, &c. They will then fix and seal the several sheets together, and set their hands and seals at the bottom of the whole, and their hands to each sheet, leaving the covering sheet on the outside of the whole. Then enclose the whole, commission and all, in a large paper, well sealed up with their seals, with their names affixed thereto: and having first endorsed the packet, on a corner thereof, with the names of the parties, in the same manner as is done on the covering sheet of the depositions, direct the same to H. Y. Gray, Esq., clerk of the circuit court at Charleston, South Carolina.

If this commission is returned by post, one of the commissioners who examined the witness, must endorse and sign a certificate that the same was lodged by himself at the post office at

The execution of this commission appears by the schedule hereto annexed.

Witness our hands and seals, at Savannah, Georgia, this first day of September, eighteen hundred and forty.

GEO. I. KOLLOCK, [L. S.]
LEVI S. D'LYON, [L. S.]
ROBT. M. CHARLTON. [L. S.]

BENJAMIN JEWELL, *ads.* S. I. JEWELL.

Interrogatories, to be administered to John Haupt and Isaac Minis, witnesses, resident at Savannah, Georgia, and to be examined on the part and behalf of the defendant.

1st. Did you, or not, reside in Savannah about the year 1795 or 1796?

2d. Were you, or not, acquainted with a certain Benj. Jewell, now deceased, who kept a small store in Savannah, a Hebrew or Jew by persuasion? Do you remember him, and where did you reside at that time?

3d. Was it not well known in Savannah that about the year 1795 or 1796, the said Benjamin Jewell married a young French girl then lately from St. Domingo? If so do you not know, or have you heard by common report, that he was so married? State fully in your own way all you know, or have heard on the subject.

4th. Did, or did not, the said Benjamin Jewell and his wife live together after that time, and were they known and reputed as man and wife? Declare fully.

5th. Did you, or not, know a man, named White, a magistrate, so reputed and understood, about the year 1795?

6th. Have you, or have you not, made inquiries among the old people of Savannah, or searched any records as to said White being a magistrate? If yea, state whether the fact, that said White was a magistrate, was generally known.

BENTHAM & HUNT,
Deft's Att's.

S. I. JEWELL, et al.
vs.
BENJAMIN JEWELL, et al.

Cross-interrogatories for John Haupt and Isaac Minis, witnesses residing in Savannah, to be examined on the part of the defendant.

For John Haupt.

What is your name, age, religious profession, and calling? where do you live, and how long have you been in your present employment and residence?

For both witnesses.

1. Was it not required in 1796, that persons should get a license to marry?

2. Have you ever examined the records in Savannah, to ascertain whether there is evidence of any license granted to Jewell, to marry Sophia Prevost? If there is any license on record for Jewell's marriage, is it a license to marry Sophia Prevost?

3. Is there not some record of the appointment of justices of the peace, by which the fact may be known?

4. Have you examined the records, to ascertain whether Mr. White was appointed a justice?

5. Was the man spoken of in the fifth interrogatory, by the name of White, a trading justice? When did he die? and how long since he was last in office? Where did he live in 1837?

6. Did you know the late Charles Harris, of Savannah? Do you know his hand-writing? Look at the paper herewith shewn you, and say whether it is in his hand-writing. What was the character of Mr. Harris? Would he have been capable of making oath to the fact, that Sophia Prevost signed that paper, if it was not so?

7. Is the Sophia Prevost that you speak of in answer to the third interrogatory, the same person who signed that paper?

8. If you say that it was well known in Savannah that Jewell

had married Sophia Prevost, declare whether it was well known that this paper was in existence, and declare also, whether it was well known that Jewell and the said Sophia Prevost were man and wife, before or after that paper was put on record?

9. If you say that it was well known that Jewell, Sophia Prevost, (or Jewell,) the woman that Jewell lived with, were man and wife, then say whether it was well known to you? And if it was well known to you, say how it was known to you?

10. Do you know any thing more tending to shew that Jewell and Sophia Prevost were not married?

PETIGRU & LESESNE, *Plff's Att'ys.*

LEVI S. D'LYON &
R. M. CHARLTON, Esq'rs. *Plff's Comm'rs.*

S. I. JEWELL, et al.
vs.
BENJAMIN JEWELL, et al.

THE UNITED STATES OF AMERICA,
Sixth Circuit S. Carolina District:

Examination and deposition of witnesses produced, sworn and examined by the undersigned commissioners, in virtue of the annexed commission, issuing out of the Honorable the sixth Circuit Court of the United States for the district of South Carolina, taken and reduced to writing in the city of Savannah and State of Georgia.

John Haupt, Senior, being duly sworn, answers and deposes unto the annexed direct interrogatories as follows:

1. To the first direct interrogatory, the witness answers and says, that he resided in Savannah in both those years.

2. To the second direct interrogatory, the witness answers and says, that he remembers well the said Benjamin Jewell, who kept a grocery store in Savannah, on the lot in the rear of the Episcopal Church—witness resided in his immediate neighborhood.

3. To the third direct interrogatory, the witness answers and says, that he heard as a general report about that time, that said Jewell was to be married on a particular night, but cannot say to whom; and witness heard afterwards, that said Jewell had been married about that time, and saw a woman in his shop apparently acting as his wife or as mistress of his house.

4. To the fourth direct interrogatory, the witness answers and says, that the said Jewell and the woman referred to in the answer to the third direct interrogatory, did continue to live together and were reputed as man and wife.

5. To the fifth direct interrogatory, the witness answers and says, that he did not know any man by the name of White, as a

magistrate at that time; that he knew John Y. White, who was an alderman of the city of Savannah, but cannot say that he was an alderman at that time.

6. To the sixth direct interrogatory, the witness answers and says, that he has neither made inquiries, nor searched records concerning this matter.

JNO. HAUPT, Sen'r.

GEORGE I. KOLLOCK,
LEVI S. D'LYON,
ROBERT M. CHARLTON, } *Comm'rs.*

To the general cross-interrogatory, the said John Haupt, Sen'r., answers and says that he was christened John Henry Haupt, but has never used the middle name (or very seldom) since he went into business; he having a brother by the name of Henry. Witness will be sixty in a few days; belongs to no church, but has generally attended the Lutheran worship; witness is a tailor by trade, but is now keeping a grocery store. Witness lives at the corner of President and East Broad streets, in the city of Savannah, and has lived there for the last four or five years, and in the immediate vicinity, (fronting the square,) for the last sixteen or seventeen years; has kept a grocery three years.

1. To the first cross-interrogatory, the witness answers and says, that he believes so, but cannot say, as he is no lawyer.

2. To the second cross-interrogatory, the witness answers and says, that he has made no such examination.

3. To the third cross-interrogatory, the witness answers and says, that he supposes so.

4. To the fourth cross-interrogatory, the witness answers and says, that he has not.

5. To the fifth cross-interrogatory, the witness answers and says, that John Y. White was a lumber measurer; does not know how else he traded.

JNO. HAUPT, Sen'r.

GEO. I. KOLLOCK,
LEVI S. D'LYON,
ROB. M. CHARLTON, } *Comm'rs.*

Witness cannot say when he died or when he was last in office; he died before the year eighteen hundred and thirty-seven.

6. To the sixth cross-interrogatory, the witness answers and says, that he knew well and long, the late Charles Harris, of Savannah. Witness cannot say that he has ever seen the said Charles Harris write, but has seen what was reputed to be his hand-writing; the signature Harris, resembles the hand-writing of Mr. Harris; cannot

say whether the body of the paper exhibited, (and upon which witness has written his name,) is in his hand-writing; the said Charles Harris stood as high in reference to all matters connected with a gentleman, as any man in the community, and was incapable of swearing to a fact that did not exist.

7. To the seventh cross-interrogatory, the witness answers, that he cannot say.

8. To the eighth cross-interrogatory, the witness answers, that he has no recollection of the name of Sophia Prevost, nor of the person Jewell was said to have married. Witness has never seen or heard of said paper before.

9. To the ninth cross-interrogatory, the witness answers, that he refers to his answer in the third direct interrogatory.

10. To the tenth cross-interrogatory, witness says, he knows nothing further.

JNO. HAUPT, Sen'r.

Answered, subscribed and sworn to before us, this 25th August, 1840.

GEO. I. KOLLOCK, [L. S.]
LEVI S. D'LYON, [L. S.] } *Commissioners.*
ROB. M. CHARLTON, [L. S.]

S. I. JEWELL, et al.
vs.
BENJAMIN JEWELL, et al.

Examination and deposition of witnesses, produced, sworn and examined by the undersigned commissioners, in virtue of the annexed commission, issuing out of the Honorable the Sixth Circuit Court of the United States for the District of South Carolina, taken and reduced to writing in the city of Savannah and State of Georgia.

Isaac Minis, aged 60 years, deposes as follows:

1. To the first direct interrogatory, the witness answers and says, that he resided in Savannah in both those years.

2. To the second direct interrogatory, the witness answers and says, that he was acquainted with an individual by the name of Benjamin Jewell, now deceased, who kept a store in Savannah, and who was an Israelite. Witness resided in Broughton street, in Savannah, at that time.

3. To the third direct interrogatory, the witness answers and says, that witness recollects that said Benjamin Jewell lived about said years with a young French girl, who witness thinks was called Sophia Prevost. Witness believed her to be the wife of said Benjamin Jewell, from hearing nothing to the contrary; they lived together respectably as man and wife.

4. To the fourth direct interrogatory, the witness answers and says, that they did live together after that time as man and wife; witness never heard that they were not man and wife.

5. To the fifth direct interrogatory, the witness answers and says, that he knew no man by the name of White, a magistrate in that year, but knew John Y. White. Witness cannot state that John Y. White was an Alderman of the city of Savannah, in the year seventeen hundred and ninety-five, but he was an Alderman some time after.

6. To the sixth direct interrogatory, the witness answers and says, that he has neither made inquiries, nor searched records for the facts inquired into.

I. MINIS.

GEO. I. KOLLOCK,
LEVI S. D'LYON,
ROB. M. CHARLTON, } *Comm'rs.*

1. To the first cross-interrogatory, the witness answers and says, that witness is not a lawyer, and cannot answer legal questions.

2. To the second cross-interrogatory, the witness answers and says, that he has never made any such examination.

3. To the third cross-interrogatory, the witness answers and says, that he cannot say.

4. To the fourth cross-interrogatory, the witness answers and says, that he has made no such examination.

5. To the fifth cross-interrogatory, the witness answers and says, that the John Y. White of whom he has spoken as being an alderman, was not a trading justice ; said White has been dead ten or fifteen years; witness does not know when he was last an alderman.

6. To the sixth cross-interrogatory, the witness answers and says, that he knew the late Charles Harris intimately, and is well acquainted with his hand-writing; the said paper exhibited to him, (and upon which he has written his name,) is not in the hand-writing of said Charles Harris, except the words, "witness Charles Harris," and the signature "Charles Harris," to the affidavit before the clerk, on the back of said paper; the said Charles Harris was a gentleman of the highest character for honesty and high principle, and altogether incapable of making oath to such fact, if it was not so.

7. To the seventh cross-interrogatory, the witness answers and says, that he believes her to be the same person.

8. To the eighth cross-interrogatory, the witness answers and says, that he does not know whether it was well known in Savannah that Jewell had married Sophia Prevost; witness believed it from seeing them live together as man and wife, and from hearing

nothing to the contrary. Witness never saw or heard of such paper before.

9. To the ninth cross-interrogatory, the witness answers and says, that he refers to his previous answers.

10. To the tenth cross-interrogatory, the witness answers and says, that he knows nothing more.

I. MINIS.

Answered, subscribed and sworn to before us, this eighteenth of August, 1840.

GEO. I. KOLLOCK, [L. S.]
LEVI S. D'LYON, [L. S.] } Comm'rs.
ROB. M. CHARLTON. [L. S.]

And the said defendants, further to maintain the said issue on their part, called the following witnesses, who testified as follows, that is to say:

J. F. Plumeau testified, that he knew Benjamin Jewell; that his (the witness's age) is bordering on 56 years; that he knew Benjamin Jewell, from 1801, till he left Charleston; that Benjamin Jewell lived at the corner of East Bay and Unity alley, in the city of Charleston; that the children of Benjamin Jewell were about his (Benjamin Jewell's) house; that he (the witness) knew Benjamin, Joseph, Julia and Hannah, the children of the said Benjamin Jewell; that the woman that lived in the house with the said Benjamin Jewell, passed as his wife; that the said Benjamin Jewell called her his wife, and called their children by his own surname; she was called Mrs. Jewell, and had the management of said Jewell's house; she would sell articles of merchandize in said Jewell's store; that he, the witness, had never seen any written correspondence between the said Benjamin Jewell and the woman referred to; that he lost sight of both of them after they moved from the Bay; that he knew them residing on the Bay half a dozen years; that he knew the brother of Sophia, (Mrs. Jewell,) he was called Peter Prevost. That he knew her family in the West Indies, he knew her uncle, mother and two sisters; that at home the Prevost family were respectable; that the mother, sisters and brother of Sophia, visited her while she was called Mrs. Jewell. That it never occurred to him, the witness, that Benjamin Jewell and Sophia were living in illicit intercourse; that he, the witness, would not have hesitated to walk in the streets with Mrs. Jewell; he went to the theatre with her. That one of the sisters of Mrs. Jewell married a gentleman in Charleston, and went to the Havana with her husband; that the other sister lived with a Mr. Rodriguez. That the elest daughter of Benjamin Jewell married a Mr. Simons, in Charleston, who passed as the nephew of the said Benjamin. That

Mrs. Simons became a widow, and afterwards married a Mr. Rickenbacker. That the uncle of Sophia (Mrs. Jewell,) was Mayor at Cape Pleasaunce. That Benjamin Jewell and Sophia appeared attentive to each other; that the brother of Sophie had told him, the witness, that his sister Sophie had married a gentleman who was living in Charleston, on account of which he, the witness, on his arrival in Charleston, went to see Benjamin Jewell and his wife; that he, the witness, knew Berry, who was an Orderly Sergeant of the City Guard (of Charleston;) he met Berry at Benjamin Jewell's, where he went to see the brother of Sophie.

On his cross-examination, this witness testified that he was born at Cape Francois, and, as he has understood, on the 12th December, 1785; that he arrived at Charleston in the summer of 1801; that the Prevosts had left the Cape before him, (the witness); that Mrs. Prevost, her son Peter, and two of her daughters, returned to the Cape before the witness left; that one of those daughters was called Camille, and the other Arelize. That he does not know the name of Mrs. Prevost before her marriage; but he knows that Mr. Detray was the uncle of Camille and Arelise, and therefore supposes that Mrs. Prevost's maiden name was Detray. Mrs. Prevost was of as dark complexion as persons generally are in the West Indies; that he knew an old Frenchman on the bay in Charleston, of the name of Gandouin; that there was a quarrel between Gandouin and Benjamin Jewell, the cause of which was, that Gandouin's yellow girl had said that Mrs. Jewell was no better than she was; that he knows nothing personally of that quarrel, but has heard a rumor of it; that Gandouin was a good man; he was a gentleman in his way; that he, the witness, heard Gandouin say, that he would employ a lawyer in that matter, and heard Benjamin Jewell say, that he would make them prove their words; that he heard the quarrel spoken of by Gandouin, and at Benjamin Jewell's, and heard it also mentioned by Peter Prevost; that he heard Benjamin Jewell say that he would make Gandouin prove it; from which he supposes that Benjamin Jewell meant, that he would make Gandouin prove that his (Jewell's) wife was no better than Gandouin's yellow girl; that he never heard it intimated that Sophie was living with Benj. Jewell, as Gandouin's yellow girl was living with Gandouin; that he does not believe that Gandouin was a man to apologize for what he had said; that he never heard the question made, whether Benjamin Jewell and Sophia were married; that he saw Sophia two years ago in this city (Charleston), by the court house; that she was then called Storne, but that he does not know by what name she is now called; that every body in King street then called Sophie Mrs. Storn; he, the witness, then called her by that name, and understood that she was married to Storn; that he does not know whether Benjamin Jewell was alive at that time; that his acquaintance with Sophie ceased after she left the

Bay, and that he heard nothing of her from that period until he heard that she was Mrs. Storne.

On the examination of this witness in reply, he testified that Gandouin was a Frenchman, full of fire. He blew out his brains in a fit of desperation; that Gandouin was much attached to his yellow girl; that he, the witness, does not recollect the names of any of the lawyers concerned in the quarrel between Gandouin and Benjamin Jewell, except that of Col. Cross. That the Prevosts passed in St. Domingo as white persons, and were so treated; that he never heard any doubts expressed of Mrs. Jewell being a respectable woman, and married; that he would not have visited them if he had had any doubts on the subject; that when he first knew Sophie, she spoke the French language, and a little of the English; he cannot say whether it was broken English or not; he, the witness, could not then himself speak the English language well.

On the examination of this witness by the court, he stated that he does not know whether Benjamin Jewell and Sophie visited public places together, and that he does not know whether they attended places of worship together.

The Reverend Mr. Poznanski testified, that he is the officiating minister of the Hebrew congregation in Charleston; that, according to the scriptural sense, as he understands it, a marriage between a Christian and a Jewess is not legal; and that such is the general opinion among Hebrews. That persons who attend to circumcision keep a book, in which the fact (of circumcision) is entered by such person; sometimes the secretary of the congregation enters it; that circumcision is a solemn ceremony; it receives a person into the faith, makes him a Jew, and his name is then given to him; the friends of the family assemble then. That if a Jew has a child by a person who is not a Jewess, the right of circumcision may be performed; that if the father cannot be ascertained, the child is named after one of the patriarchs. It is not necessary (for circumcision) that the child should be legitimate. That if the child is not born of a Jewess, it is considered as a stranger's, or converted; that sponsors for the child are called on at the ceremony of circumcision; no conventional duties are imposed on the sponsors for the education of the child; one female is called on as a sponsor; that it is considered as a compliment to the sponsors, the selection of them; that the Jewish law considers a connection between a Hebrew man and a Christian woman as concubinage; that when a connection between a Jew and Christian takes place, he (the witness) does not know what the Jew would think about it; but the law of his faith would not regard it as a marrrage; his sect, however, would consider the violation of the obligation on the part of the Jew as an immoral act.

On his cross-examination, this witness testified that he was educated in Poland; that he does not know whether there is any law in Poland against bigamy; he understands that there is a law in

the United States against bigamy; he does not know what the law of the United States would decide as to bigamy, in the case of a Jew; that it is the duty of a Jew to obey the laws of the country by which he is protected; that he, the witness, has no doubt that a Jew who marries a Christian, and afterwards marries another woman while his Christian wife is living, deserves the punishment inflicted by the law of the land; that a Jew is bound to obey the laws of the country in which he lives; and any Jew who transgresses the law of the land in which he lives, is justly punishable by that law; that the oral and written law are equally obligatory on the Jew; that the prohibition against the Jew marrying a Christian, is found in the written law of the Jews; that the law, as delivered by Moses, authorizes the marrying more than one woman; that the prohibition against polygamy is of more recent origin than the law of Moses; it is not considered now that polygamy is lawful; is uncertain as to the time when the change in this respect took place; that the Jews, wherever dispersed, have but one law; that the law as to polygamy and marriage is delivered in the same way in Turkey as in this country, and that the Jew holds the belief in the East as here; that polygamy is not permitted.

On his further examination in reply, this witness testified that if a Jew marries a Jewess, the bonds cannot be broken, except by a divorce according to the law of the faith; that if a divorce be obtained according to their law, by mutual consent, it is not considered unlawful to marry again; that this is by the Jewish law; that if the first marriage be lawful, the children are legitimate, although there be a divorce; that it is not disreputable for a Jew to marry again after having been divorced.

On his examination by the defendants' counsel, this witness stated that the divorce referred to by him (on his examination in reply), need not be with the sanction of any person having authority in the Jewish congregation; that it must be by mutual consent; the man writes a paper to the effect, that the woman is at liberty to marry again; the act on the part of the woman, is her receiving it, and assenting to it; that although by the law of the land that divorce is illegal, by the strict letter of the Jewish law, they would be at liberty to marry again; but they would refrain from so doing, as they consider themselves bound to regard the law of the land; that he (the witness,) would refrain from marrying a person again under those circumstances.

On his examination by the court, this witness testifies that marriage never alters the name of the woman by the Jewish law; that generally a woman retains her husband's name until she marries again; this is not by law, but by the custom of the country; that during several generations, the oral law was taught from mouth to mouth; after some time it was reduced to writing, and this formed the Talmud; the first collection was called the Mishna; that this was about three hundred years after the second destruction of

the temple, in the reign of Antoninus; that the traditionary law, as collected, is now called the Talmud, and the regulations in relation to marriage are to be found there; that the Talmud is acknowledged as authority by the Jews; that the act of putting the ring on the finger, &c., is called "Kedushim;" there must be words to the effect that, by presenting the ring, they are married according to the laws of Moses; that there may be a marriage among the Jews, which is lawful, without the ring; that there must either be a contract or a ring; that marriage by contract is called "Ketuba;" that there are three modes of marriage—by contract, by ring, and by cohabitation; that the last (that by cohabitation), is always considered by the Jews an immoral way of forming a marriage, and is called "Beah;" that the marriage ceremony is most generally performed under a canopy, but it is not necessary that it should be so performed; that it is essential to the validity of the marriage that the persons should say they are married according to the laws of Moses; that a Jewish man and woman living together, it would be considered as a good marriage, if it commenced with the knowledge of two witnesses; otherwise, it would be regarded as concubinage; the man must take the woman to live with him, in the presence of two witnesses; that marriage by cohabitation rarely takes place; but the children born of that connection are not illegitimate; they inherit property according to the Talmud; that a marriage so taking place, the husband cannot put away the wife without her consent; that a subsequent divorce does not affect the legitimacy of the children; that the marriage with a canopy is called "Hoopah."

On his further examination by the defendant's counsel, this witness stated that marriage by cohabitation must take place in the presence, or with the knowledge of two witnesses; that the first cohabitation must be with the knowledge of two witnesses; that two witnesses coming forward afterwards, and saying that they knew the couple cohabited, is not sufficient; the commencement of the cohabitation must be to the full knowledge of the two witnesses; the two witnesses must be satisfied in their own minds that the cohabitation has taken place.

And on his further examination by the plaintiffs' counsel, in reply to the above, this witness testified that a father, mother or brother, cannot bear testimony to any fact respecting the cohabitation; that if the man retires with the woman, and declares to the two witnesses that he retires for the purpose of sexual intercourse, this is marriage by cohabitation; that a man declaring a woman to be his wife, they would not inquire about it, unless a doubt was expressed.

And the said defendants, further to maintain the said issue on their part, produced and read in evidence a release from Sophia Storne to Daniel Jewell; and the deposition of said Sophia Storne, in answer to interrogatories and cross-interrogatories propounded to her, which said release, deposition, interrogatories and cross-interrogatories, are in the words and figures following, to wit:

Release, from Sophia Storn to Daniel Jewell.

SOUTH CAROLINA,
Charleston District.

Know all men by these presents, that I, Sophia Jewell, formerly and before my marriage with Benj. Jewell, Sophia Prevost, and now called Sophia Storn, for and in consideration of the love I bear to my children, hereinafter named, and for the further consideration to me in hand paid, of one dollar, by Daniel Jewell, my son, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the said Daniel Jewell, all my right, title, interest and claim, either in possession, remainder or reversion, of, and in a certain house and messuage, lying and being in Charleston, on East Bay street, at the corner of Unity alley, and formerly the property of my deceased husband, Benj. Jewell; and also, all my right, title and interest, in any other estate, real or personal, which was of my said husband, Benj. Jewell, to have and to hold the said estate, to him, the said Daniel Jewell, his heirs and assigns forever; in trust nevertheless, to and for the uses following: that is to say, in trust, to divide and distribute the said right, title and interest, of me, the said Sophia Jewell, equally among himself, and his brothers and sisters, and their heirs, children of me, the said Sophia Jewell, by my said husband, Benj. Jewell, share and share alike.

In witness whereof, I have hereunto set my hand and seal, this tenth day of April, one thousand eight hundred and thirty-eight.

SOPHIA STORNE. [L. S.]

Signed, sealed and delivered, in presence of
BENJ. FANEUIL HUNT,
JOSEPH WILLIAMS.

The words "Sophia Prevost" being first interlined.

BENJ. F. HUNT.

Interrogatories to be propounded to Sophia Storne.

UNITED STATES OF AMERICA,
So. Carolina District.

BENJ. JEWELL, *et al.*, *ads.*
SARAH I. JEWELL, *et al.*

Interrogatories to be propounded to Sophia Storne, a witness, residing in Charleston, to be examined in behalf of the defendants.

1. What is your age?

805.

2. Were you or not married to Benjamin Jewell, dec'd?
3. When and where did the marriage take place?
4. By what ceremonies was the marriage solemnized? State fully and particularly.
5. What was the religious persuasion of Mr. Jewell, and what yours? Was he or not, a Jew, and you a Christian?
6. Were you or not, at the time of said marriage, a stranger in Savannah, and entirely ignorant of the English language? Could you read a single word of it? What is the place of your nativity?
7. What was your age, at the time of your marriage with Jewell?
8. Were there any witnesses present at the marriage; if so, how many? Did you know their names? Where are they now? Were they the friends of Jewell?
9. Were you or not, immediately after your marriage, introduced by Mr. Jewell to his friends, as his wife, and called by him, in their presence, invariably by the name of Mrs. Jewell?
10. Were you or not, immediately after said marriage, held out to, and recognized by, the community of Savannah, as the wife of Benj. Jewell?
11. Did you or not, live openly with Mr. Jewell, as his wife?
12. How long did you and he remain in Savannah?
13. What business did Jewell follow there?
14. Did you or not, assist him in said business?
15. Had you any property at the time of your marriage with Jewell? What did it consist of?
16. Did or not, Mr. Jewell take said property as your husband?
17. Where did you and Mr. Jewell live next, after leaving Savannah?
18. If you answer the last question by saying that you and Mr. Jewell proceeded to Barnwell, then say whether Mr. Jewell did or not, then hold you out as his lawful wife. Did you or not, associate with the people there as the wife of Benj. Jewell?
19. How long did you and Mr. Jewell reside in Barnwell?
20. What business did he follow there? Did you assist him in it?
21. Did or not, Mr. Jewell visit company along with you in Barnwell, and were you or not, received in such company as his wife?
22. Where did you and Mr. Jewell reside after leaving Barnwell? Was it or not, in Charleston? What business did he follow there?
23. How many years did you and Mr. Jewell reside in Charleston?
24. Did or not, Mr. Jewell introduce you to his friends and acquaintances in Charleston, as his wife?
25. Did you or not, assist him in business?
26. Did you and he live together on terms of affection?

27. By what name did he generally address you? Did he or not, call you by the name of Mrs. Jewell?

28. How many years in all, did you and Mr. Jewell live together as man and wife?

29. Did or not, Mr. Jewell, during the whole of that period, recognize you publicly, as his wife?

30. How many children were born during the said period? Name each of them.

31. Were or not, said children circumcised?

32. Did or not, Mr. Jewell and yourself invariably regard said children as legitimate?

33. Have you in possession, any family record of their births, in Mr. Jewell's hand-writing? If so, produce the same to the commissioners, to be annexed to your answer to this interrogatory.

34. Did you ever commence any action against Mr. Jewell, in Savannah, for a breach of promise of marriage?

35. Did you ever sign any paper in the English language, which was explained to you as acknowledging that you had received a sum of money as a compensation for a breach of promise of marriage?

36. Did you ever sign any paper in the English language, which was explained to you as acknowledging an unlawful intercourse with Mr. Jewell, and the receipt of a sum of money as a compensation for such intercourse?

37. Did you, on your solemn oath, ever, in point of fact, receive from Mr. Jewell, the sum of five hundred dollars, as the reward of seduction?

38. Did you ever sign any paper which was read and explained to you as containing words acknowledging that you were only a concubine, and not the lawful wife of Benj. Jewell? State for what purpose Benj. Jewell requested you to sign the paper separating you. Did he deceive and impose upon you?

39. Do you know Charles Harris, whose name appears as a witness to said paper?

40. Do you know George H. Hull, the other witness?

41. Was it ever made known to you by Mr. Jewell, that a paper containing the words quoted in the thirty-eighth interrogatory, and purporting to be signed by you, was placed on record in any public office in Georgia?

42. Is or not, the statement in said paper, that you received five hundred dollars, for the consideration therein stated, false?

43. Do you ever remember signing any paper, about the time of your marriage?

44. If you know of any other matter not embraced in the foregoing interrogatories, important to the defendants, please to state the same as fully as if specially examined thereon.

45. When you were married, was there a ceremony? Had your

parent, cake and wine, and other refreshments, and did your friends congratulate you and Mr. Jewell?

46. State why Mr. Jewell required you to release your dower in a lot bought of sheriff Laval. Did you release your dower?

47. Why did you marry during the life time of Mr. Jewell, your first husband?

48. Did you know Peter Catonnet and Mr. Berry, and what lady in Barnwell associated with you as a married woman? Name her.

49. Until Benj. Jewell went to Richmond, and married again, had you the least hint that you were not his lawful wife, and your children his legitimate children?

50. Have you fully released and relinquished all your own claims on Benj. Jewell's estate, so as to have no pecuniary interest in the result of this suit?

B. F. HUNT, *Atty.*

DOE, lessee of
SARAH I. JEWELL, *et al.*,
vs.
BENJAMIN JEWELL.

Cross-interrogatories for Sophie Storne.

1. Look at the paper herewith produced to you, and say whether the name of Sophie Prevost, thereto subscribed, is or is not your proper hand-writing?

2. Did you not marry Joseph Storne, your present or late husband, in the year 1818? or when?

3. Did you not know, when you married Joseph Storne, that Benjamin Jewell was living?

PETIGRU & LESESNE, *Plff's. Attys.*

BENJAMIN JEWELL, *et al.*,
ads.
SARAH I. JEWELL, *et al.*

Answers of Sophia Storne, residing in Charleston, examined as a witness in behalf of the defendants.

1. I am fifty-six years of age.

2. I was married to Benjamin Jewell, deceased.

3. The marriage took place in Savannah, I believe in the year 1794 or 1795.

4. I was married by a magistrate, in the presence of several witnesses. I do not recollect the name of the magistrate; I had been in the country only three months; did not speak a word of English; Benj. Jewell was a Jew, but my mother would not consent that I should be married according to their form; I was a Catholic,

and Mr. Jewell would not consent to be married according to their form; it was on that account, that we were married by a magistrate.

5. Mr. Jewell was a Jew; I, a Catholic.

6. I was a stranger in Savannah; had only arrived in the United States about three months before my marriage; I was entirely ignorant of the English language; could not read a word of it; I was born in Cape Francois, in the island of St. Domingo.

7. I was about eighteen years of age, when I was married to Mr. Jewell.

8. There were about a dozen persons present as witnesses at my marriage; I do not recollect their names; I do not know where they are now; they were the friends of Mr. Jewell.

9. I was.

10. I was.

11. I did.

12. About one year and a half.

13. He kept a small grocery store, and had a few dry goods.

14. Oh! yes, I did.

15. At the time of my marriage, I owned three slaves, whom I had brought with me from Cape Francois.

16. He did.

17. We moved to Barnwell, about ten miles from the village; this was after a great fire in Savannah, which had burnt us out.

18. Mr. Jewell did hold me out as his lawful wife; I was introduced by him, and associated with the people there, as his wife.

19. Mr. Jewell and I resided in Barnwell about two years.

20. He kept there a grocery store, and had some coarse dry goods; I assisted him in his business.

21. He did visit with me in Barnwell, and I was received as his wife.

22. From Barnwell, we came to Charleston, and kept a slop-shop, or cloathing store.

23. We resided in Charleston about 18 or 19 years.

24. He did.

25. I did.

26. Yes.

27. He addressed me, generally, "my wife," and introduced me as Mrs. Jewell.

28. Mr. Jewell and I lived together as man and wife, for about 22 years.

29. Yes, he did.

30. Eight children were born during the time we lived together; their names were Juliana, Benjamin, Hannah, Joseph, Hetty, Daniel, Delia, Washington.

31. All the boys were circumcised.

32. We did.

33. The births of the children are recorded in a family bible, in the hand-writing of Mr. Jewell; I have it not now in my pos-

session; I delivered it to Mr. Hunt, the lawyer; 'tis a French Bible—a new testament.

34. I never did.

35. No, I never did.

36. I never did.

37. On my solemn oath, I never did.

38. I did *a* sign a paper which I understood to be articles of separation, at the time when Mr. Jewell stated to me he was going to Hamburg. I never did sign any paper which was explained to me as containing the words expressed in the interrogatory; if my name is to any such paper, I must have been deceived and imposed upon.

39. I do not know such a person as Charles Harris.

40. I do not know George F. Hull.

41. He never did.

42. If any paper contain such a statement, 't is false.

43. No, I do not.

44. I do not remember any other matter relative to this case.

45. The magistrate read from a book; it was English, which I did not understand; I was informed that it was the marriage ceremony; my mother, two sisters, and a little brother, were present; cake, wine, and other refreshments, were had on the occasion; our friends congratulated us on the occasion.

46. Mr. Jewell purchased a house and lot on East Bay, I believe, from Sheriff Laval, and, not paying the whole cash, he mortgaged it for the balance; on this mortgage I released my dower, as required by Mr. Jewell, who informed me that the gentleman would not receive it unless I did so.

47. I did marry during the life time of Mr. Jewell, believing I had a right to do so, as he had married a second time.

48. I did know Peter Catonnet and Mr. Berry; I did know Mrs. Scarborough, the wife of William Scarborough; also, the wives of George Robertson and Capt. Vince; I associated with them as a married woman.

49. Until Mr. Jewell went to Richmond, and married again, it was never hinted that I was not his lawful wife, and the children not legitimate.

50. I have fully relinquished all my claim to Mr. Jewell's estate, and have no pecuniary interest in the result of this suit.

SOPHIA STORN.

Sworn to before me, this 20 April, 1838.

JAMES JERVEY, *Dist. Clk. and Q. U.*

Answer to Cross-Interrogatories propounded to Sophia Storn.

1. The signatures to the papers produced to me are not my hand-writing; after I became the wife of Benjamin Jewell I never subscribed the name of Sophia Prevost; I did subscribe the name

of Sophia Jewell to a paper which I was informed was articles of separation, and likewise the same signature to the mortgage which is alluded to in my answer to the 46th interrogatory.

2. I did marry Joseph Storne, my late husband, about 18 years ago.

3. Yes, I knew he was living, and heard that he was married a second time.

SOPHIA STORN.

Sworn to before me this 20 April, 1838,

JAMES JERVEY,
Dist. Clk. and Q. U.

And the said (plaintiffs) *defendants*, further to maintain the said issue on their part, called the following witnesses, who testified as follows:

H. A. De Saussure testified that he knew Mr. Catonnet; that Catonnet kept a store at the corner of Queen and Church streets in the city of Charleston; he was an industrious, honest man; that he (the witness) thinks that Catonnet passed generally as an industrious and honest man.

On his cross-examination, this witness testified that he was the counsel of a Mr. De Villers, who was the assignee of Mr. Catonnet; that De Villers was a creditor of Catonnet; and that Catonnet after his failure was a clerk in the store of De Villers; that after the death of Mr. De Villers, Mr. Catonnet claimed a large debt from De Villers' estate; that receipts of Catonnet, destroying his account against De Villers, were produced; that Catonnet did not recollect those receipts, and it appeared to him (the witness) that he had strangely forgotten them; that Catonnet's forgetfulness of his receipts was either a want of memory or a want of honesty; that Catonnet afterwards abandoned the claim.

On his examination in reply, this witness testified that Catonnet produced his books in support of the aforesaid claim; he was then in great distress of mind, and in deep pecuniary distress.

John Hunter testified that he formerly knew Benjamin Jewell; that Benjamin Jewell always passed with him as a married man; and that he saw a woman in Benjamin Jewell's store, who appeared to be an industrious woman.

On his cross-examination this witness testified that he has known the lady (referred to by him above) since she married Storne; that he had had no previous acquaintance with her otherwise than seeing her in Benjamin Jewell's store; that he saw Benjamin Jewell a month before his death, and that he (the witness) knew then that Sophia bore the name of Storne; the witness never thought any thing about her when she lived with Benjamin Jewell; she appeared an industrious woman, but not brisk; that he has con-

1808.

versed with her in the English language since she has been Mrs. Storne, and she was not deficient in her knowledge of English.

On his examination in reply, this witness testified that she spoke the English language tolerably well; that when she lived in the bend of King street she was called Mrs. Storne.

And the said defendants, further to maintain the said issue on their part, produced and read in evidence the depositions of witnesses taken under commissions issued for their examination in this case, which said commissions and depositions are in the words and figures following, to wit:

Commission to examine George Robinson, Stephen Smith, and Mrs. Duncan.

THE STATE OF SOUTH CAROLINA.

In the Federal Circuit Court of the United States.

To John F. Schmidt and James O. Hagood, defendant's commissioners, and Orsamus D. Allen, plaintiff's commissioner, greeting:

Whereas, a certain cause is now depending in the Federal Court of the United States, wherein Benjamin Jewell and others are defendants, and Sarah I. Jewell and others are plaintiffs; and it being necessary to the investigation of the said cause that certain persons, viz: George Robinson, Stephen Smith, and Mrs. Duncan, residents in Barnwell, should be examined on certain interrogatories:

Now know ye, that in confidence of your prudence, ability, and integrity, you are by these presents appointed, and full power and authority are given hereby to you, any two or more of you, diligently to examine all witnesses whatsoever upon certain interrogatories, to be exhibited to you, as well on the part of the said defendants, as on the part of the said plaintiffs, or either of them. And you, any two or more of you, are hereby authorized and required, on certain days, and at certain places, *or* to be appointed by you for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them apart on the said interrogatories, on their respective corporal oaths first taken, before you or any two or more of you, and to take such their examinations, and reduce them into writing on paper; and when you shall have so taken them, to send the same to the Judges of the said Court of the United States, in the District of So. Carolina, aforesaid, and under your seals, distinctly and plainly set, together with the said interrogatories and this writ. And you and every of you are hereby further required, that before you act in or be present at the swearing or examining of any witness or witnesses, you do severally take the oath first specified in the schedule hereunto annexed.

And you, any two or one of you, are hereby further authorized and required, jointly and severally, to administer the oath last specified in the said schedule hereunto annexed, to all and every of the clerk or clerks employed in taking, transcribing, or engrossing the deposition or depositions of witnesses so examined by virtue of these presents, before they or he shall be permitted to act as clerks or clerk, or be present at such examination.

Witness the Hon. R. B. Taney, Chief Justice of the U. S., this nineteenth day of April, in the year or our Lord one thousand eight hundred and thirty-six, and in the year of the sovereignty and independence of the United States of America.

[SEAL OF COURT.] JAMES JERVEY, *Dist. Clk.*

Commissioner's Oath.

You shall, according to the best of your knowledge, truly, faithfully, and without partiality to any or either of the parties in this cause, take the examination and deposition of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now produced and left with you. And you shall not publish, disclose, or make known to any person or persons whatsoever, except the clerks or clerk by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other commissioners in the commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of the Federal Court of the United States. So help you God.

Clerk's Oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take, and write down, transcribe, and engross the depositions of all and every witness and witnesses produced before and examined by the commissioners, or any of them named in the commission hereunto annexed, as far forth as you are directed and employed by said commissioners, or any of them, to take and write down, and engross the said depositions, or any of them. And you shall not publish, disclose, or make known to any person or persons whatsoever, the contents of all, or any of the depositions of the witnesses, or any of them, to be taken or written down, transcribed, or engrossed by you, or whereto you shall have recourse, or be any ways privy, until publication shall pass by rule or order of the Federal Court of the United States. So help you God.

Instructions for the Commissioners.

The commissioners must first attend to the instructions contained

in the commission; after which, when they are proceeding to business, they will put the first interrogatory to the first witness produced, and set down his answer thereto on a sheet entitled "Deposition of witnesses sworn and examined," &c. &c.; when done with this they will put the second interrogatory, and set down his answer to that also, and so on 'till they have finished putting the interrogatories to him; they will then proceed to examine such other witnesses as may be produced; in which case they will entitle their depositions in the same manner as those of the first, with the difference of the parties' name, age, &c. &c. They will then fix and seal the several sheets together, and set their hands and seals at the bottom of the whole, and their hands to each sheet, leaving the covering sheet on the outside of the whole; then enclose the whole commission and all in a large paper, well sealed up with their seals, with their names affixed thereto; and having first endorsed the packet on a cover thereof, with the names of the parties in the same manner as is done on the covering sheet of the depositions, direct the same to James Jervey, Esq., Clerk of the Federal Court, Charleston.

If this commission is returned by post, one of the commissioners who examined the witness must endorse and sign a certificate, that the same was lodged by himself in the Post Office at

Interrogatories.

BENJAMIN JEWELL, et al., *ads.* Roe, dem. SARAH I. JEWELL, and al. } Case of trespass in ejectment.

Interrogatories to be propounded in behalf of the defendants to George Robinson, Stephen Smith, and Mrs. Duncan, witnesses residing in Barnwell District, So. Carolina.

1. What is your age and occupation?
2. Were you acquainted with Benjamin Jewell, deceased, and Sophia Jewell, formerly Sophia Prevost, his wife? When and under what circumstances did your acquaintanceship with them commence? and where? State fully and particularly.
3. Was or not said Sophia recognized in Barnwell as the wife of said Benjamin Jewell?
4. Did he or not introduce her to his friends as his wife?
5. Did he or not hold her out to the public as his wife?
6. Did he or not call her so by name?
7. Did you ever hear any suspicion thrown out to the contrary of said Benjamin and Sophia being lawfully married?
8. How long did they live in Barnwell? What business did Jewell follow there?
9. Did or not said Sophia assist him in his said business?
10. Was or not the fact of said Benjamin and Sophia having been

married in Savannah recently, before their coming to Barnwell, matter of common notoriety; and was or not said Sophia received and recognized in Barnwell as the wife of said Benjamin Jewell?

11. Did said Benjamin and Sophia live on terms of affection?

12. What was the reputation of said Sophia? Was she respected as a lady of good name?

13. If you know of any other matter not embraced in the foregoing interrogatories, serving to shew the marriage of said Benjamin and Sophia, whether by the express statement of said Benjamin, or by his general conduct, or by the general conduct of both, or in any other way, please to state the same fully.

B. F. HUNT, *Deft. Atty.*

S. I. JEWELL, et al.,
vs.
BENJAMIN JEWELL, et al.

Cross-interrogatories for George Robinson, Stephen Smith, and Mrs. Duncan, witnesses, residing in Barnwell District, to be examined on behalf of the defendants:

1. Was there no rumour in Barnwell that Jewell and his wife, as she is called in the second interrogatory, never were married? Have you not heard that they were not married?

2. Is it not a fact that Jewell went away; that he and his wife divided the property; and that she married Joseph Storne in Jewell's lifetime? Have you never heard these things?

3. When you heard that they had parted, and she had married another man, was it not generally believed that she and Jewell had never been married by a minister, or any one else?

4. When did you first hear of Mrs. Jewell's being married to another man? Was it or was it not generally believed that she was the lawful wife of the man whose name she now bears?

5. Do you know any thing more, which may tend to shew that Benjamin Jewell and Sophia Prevost only took up with one another and lived together without being married.

PETIGRU & LESESNE,
Plaintiff's Attorneys.

Depositions.

BENJAMIN JEWELL, et al.,
ads.
ROE, dem. SARAH I. JEWELL, et al.

Case of Trespass in Ejectment.

Deposition of witnesses sworn and examined before us the 21st day of July, 1836.

Mr. George Robinson being sworn,

Aswered to the 1st interrogatory, "I am sixty-six years old, and a planter."

His answer to the 2d interrogatory was, "I was acquainted with Mr. Benjamin Jewell, and his wife, Mrs. Jewell, but did not know her christian name, nor who she was before I became acquainted with her, which was at a place called Little Hell, on Savannah river, in Barnwell District, where he kept a store."

His answer to the 3d interrogatory was, "Mrs. Jewell was recognised as the wife of Mr. Benjamin Jewell, in Barnwell."

His answer to the 4th interrogatory was, "I did."

His answer to the 5th int'y was, "I did."

His answer to the 6th int'y was, "I did."

His answer to the 7th int'y was, "I did not."

His answer to the 8th int'y was, "about two years, and he was a merchant."

His answer to the 9th int'y was, "She did."

His answer to the 10th int'y he said, "As to their being married in Savannah, he could not tell, but that they were reputed man and wife in Barnwell."

His answer to the 11th int'y, "They did."

His answer to the 12th int'y, "She was."

His answer to the 13th int'y, "He knew nothing more than was stated in the foregoing answers."

His answers to the Cross-Interrogatories.

Answer to the 1st. "I never heard it rumored that they were not married, nor never heard that they were not married."

Answer to the 2d. "It was a fact that they did go away from Barnwell, but that no separation of persons or property took place whilst in Barnwell; that he afterwards saw them living together in Charleston, and after that time heard that they had separated."

Answer to the 3d. "That he never heard of her marriage with any other man than Jewell, nor that they had not been married by a minister or any other person."

Answer to the 4th. "I know nothing of her marriage with another man, nor do I know the name she at present bears."

Answer to the 5th. "I did not know any thing about their having only taken up, and living together, without being married, nor never heard any thing to that effect."

Stephen Smith, Esq., being sworn.

His answer to the 1st int'y was, "I am sixty years old, and a planter."

Answer to the 2d. "I was acquainted with Benjamin Jewell and

his supposed wife; my acquaintance commenced with them at a place called Little Hell, or Swicord's landing, on Savannah river, in Barnwell District."

Answer to the 3d. "She was."

Answer to the 4th. "He did."

Answer to the 5th. "He did."

Answer to the 6th. "He did."

Answer to the 7th. "I never did."

Answer to the 8th. "I do not know how long they lived in Barnwell; he kept a store there."

Answer to the 9th. "She did."

Answer to the 10th. "They came from Savannah as man and wife, and were recognised as such here."

Answer to the 11th. "To all appearances they did."

Answer to the 12th. "She was, and I know nothing to the contrary."

Answer to the 13th. "I know nothing more about their marriage, nor nothing more than is embraced in the previous interrogatories."

His answers to the Cross-Interrogatories.

Answer to the 1st. "There was not, and he never heard so."

Answer to the 2d. "They did go, but he never heard of any of the other matters mentioned in this interrogatory."

Answer to the 3d. "I never heard that they had parted, or that she was married to another man."

Answer to the 4th. "I never heard of her being married to another man, and I do not know the name she now bears."

Answer to the 5th. "I did not."

JAS. O. HAGOOD, [L. S.]
J. F. SCHMIDT, [L. S.]
ORSAMUS D. ALLEN. [L. S.]
Commissioners.

Commission to examine Samuel Hyams.

The State of South Carolina, to greeting:

Whereas, a certain cause is now depending in the Court of of the said State, wherein

and it being necessary to the investigation of the said cause, that certain persons, resident in should be examined on certain interrogatories: Now, know ye, that in confidence of your prudence, ability and integrity, you are by these presents appointed, and full power and authority are given hereby, to you, any two or more of you, diligently to examine all witnesses whatsoever

upon certain interrogatories to be exhibited to you, as well on the part of the said as on the part of the said , or either of them; and therefore you, any two or more of you, are hereby authorized and required on certain days, and at certain places, or to be appointed by you, for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them apart on the said interrogatories, on their respective corporal oaths first taken before you, any two or more of you, and to take such their examinations, and reduce them into writing on paper, and when you shall have so taken them, to send the same to the judges of the said court of in the State aforesaid, closed up, and under your seals distinctly and plainly set, together with the said interrogatories, and this writ; and you and every of you are hereby further required, that before you act in, or be present at the swearing or examining of any witness or witnesses, you do severally take the oath first specified in the schedule hereunto annexed; and you, any two or one of you, are hereby authorized and empowered, jointly or severally, to administer such oath to the rest, or any other of you; and you are hereby further authorized and required, jointly and separately, to administer the oath last specified in the schedule hereunto annexed, to all and every of the clerks or clerk employed in taking, transcribing or engrossing, the deposition or depositions of witnesses so examined by virtue of these presents, before they or he shall be permitted to act as clerks or clerk, or be present at such examination.

Witness, this day of in the year of our Lord, one thousand eight hundred and , and in the year of the sovereignty and independence of the United States of America.

Commissioners' Oath.

You shall, according to the best of your knowledge, truly, faithfully, and without partiality to any, or either of the parties in this cause, take the examination and deposition of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now produced, and left with you; and you shall not publish, disclose, or make known to any person or persons whatsoever, except the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you, and the other

commissioners in the commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of the Court of So help you God.

C. ROSELIUS,
R. HUNT.
Commissioners.

Clerk's Oath.

You shall truly, faithfully and without partiality, take and write down, transcribe and engross the depositions of all and every witness and witnesses produced before and examined by the commissioners, or any of them named in the commission hereunto annexed, as far forth as you are directed and employed by the said commissioners, or any of them, to take and write down, and engross the said depositions, or any of them; and you shall not publish, disclose or make known, to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken or written down, transcribed or engrossed by you, or whereto you shall have recourse, or be any ways privy, until publication shall pass by rule or order of the Court of So help you God.

Instructions for the Commissioners.

The commissioners must first attend to the instructions contained in the commission; after which, when they are proceeding to business, they will put the first interrogatory to the first witness produced, and set down his answer thereto on a sheet entitled, "Depositions of witnesses sworn and examined, &c.;" when done with this, they will put the second interrogatory, and set down his answer to that also, and so on, 'till they have finished putting the interrogatories to him; they will then proceed to examine such other witnesses as may be produced, in which case they will entitle their depositions in the same manner as those of the first, with the difference of the parties' name, age, &c. They will then fix and seal the several sheets together, and set their hands and seals at the bottom of the whole, and their hands to each sheet, leaving the covering sheet on the outside of the whole. Then enclose the whole, commission and all, in a large paper well sealed with their seals, with their names affixed thereto; and having first endorsed the packet, on a corner thereof, with the names of the parties, in the same manner as is done on the covering sheet of the depositions, direct the same to

If this commission is returned by post, one of the commissioners who examined the witness must endorse and sign a certificate that the same was lodged in the post office, at

8/2.

ROE, dem. JEWELL, *ads.* JEWELL *et al.*

Interrogatories to be propounded to Samuel Hyams, a witness residing in New Orleans, to be examined in behalf of the defendants.

1. What is your age and occupation?
2. Were you acquainted with Benjamin Jewell, dec'd; when, where, and under what circumstances did your acquaintanceship with him commence? How long did it continue? Was it, or not, of a very intimate description?
3. Were you acquainted with Sophia Jewell, formerly named Sophia Prevost, the wife of said Benj. Jewell, dec'd.? When, where, and under what circumstances did your acquaintanceship with her commence? How long did it continue? State fully and particularly.
4. Did, or not, the said Banjamin and Sophia live together as husband and wife? Were they, or not, received in society as man and wife? Did they, or not, call one another by those names?
5. Did you, during your acquaintanceship with the said Benjamin and Sophia, ever suspect they lived on any other footing than that of husband and wife?
6. Did you, during your acquaintanceship with said Benjamin and Sophia, ever hear a public rumor, or a private intimation, that they lived on any other footing than that of husband and wife?
7. Were they, or not, received into respectable society as husband and wife?
8. Were you, or not, present at the circumcision of one or more of their children? State fully and particularly.
9. Did, or not, said Benjamin and Sophia live together on terms of affection; and were, or not, their children regarded as the legitimate offspring of their marriage?
10. If you know of any other matter, not embraced in the foregoing interrogatories, serving to prove the marriage of the said Benjamin and Sophia, and the legitimacy of their children, please to state the same as fully as if specially interrogated thereon.

HUNT, *Deft's. Att'y.*

Additional.

Was not the said Benjamin Jewell a shrewd and cunning man, well versed in business; and was, or not, his said wife a foreigner, who spoke and read the English language badly, if at all? Was she easily deceived as to the contents and nature of legal instruments of writing; and from your knowledge of her, should you think her capable of making a contract with such a man as Jewell, under any circumstances?

JEWELL
vs.
JEWELL.

Cross-Interrogatories for Isaac Emanuel and Samuel Hyams, residing in New Orleans.

1. Was your acquaintance with Benjamin Jewell before, or after, the year eighteen hundred and ten?

2. Look at the papers hereto annexed and marked A and B. Did you ever hear any thing of the contents of those papers from either of the parties?

3. Was there no rumour that Benjamin Jewell and Sophia Prevost lived together without being married?

4. Is not marriage among the Hebrew people a religious ceremony? Could Jewell and Sophia Prevost have been man and wife, as the relation is understood among the Hebrews, if their connexion was attended with no civil or religious ceremony, to designate their union in matrimony?

5. If you say that Jewell ever showed you a paper, signed by him and the said Sophia Prevost, was it or was it not the original of one of the papers hereto annexed, marked A and B? If you say it was not, say in what it differed from them.

6. Did you ever hear that Sophia Prevost was married, in the life time of Jewell, to another man?

7. When you heard that they had parted, was it not generally believed that she and Jewell had never been married, but had lived together in a state of concubinage?

8. Did you ever understand that Sophia Prevost was or was not the concubine of Benjamin Jewell? Did you ever know the question to be put to either of them? And if so, how was it answered?

9. Did you never know nor hear that Benjamin Jewell had married another woman, who is now his widow? If you say you ever heard it, then declare how you accounted for the fact, that Benjamin Jewell and Sophia Prevost had separated, and married, each of them, as single *people*? Did you ever understand that they were divorced? And if so, how did you understand it, and from whom?

10. Do you know any thing else, which may tend to shew that Benjamin Jewell and Sophia Prevost were not married, but lived in a state of concubinage? Declare all you know.

PETIGRU & LESESNE,
Pl'ffs' Att'ys.

Papers referred to in the cross-interrogatories.

A.

Savannah, 10*th March*, 1796.

Received of Benjamin Jewell, the sum of five hundred dollars,

in full, for the cause of action which I brought against him on a promise of marriage. Which sum of five hundred dollars, I acknowledge to be in full compensation, and from which I do release and exonerate the said Benjamin Jewell, of all actions, demands or engagements whatsoever, from the beginning of the world to the present day; and also, I do covenant not to sue or make any demands for, or on account of, any amorous affections which may in future take place; the said five hundred dollars being not only for former but future services.

SOPHIE PROVOST.

Witness,
CHARLES HARRIS,
GEO. T. HULL.

GEORGIA, *Chatham County.*

Clerk's Office, Superior Court.

Personally appeared Charles Harris, Esq., one of the subscribing witnesses to the within receipt, who being duly sworn, saith, that he was present, and did see the party to the same, for the purposes therein contained; and that Geo. T. Hull also subscribed his name, at the same time with this deponent, as a witness thereto.

CHARLES HARRIS.

Sworn to, before me, this 8th August, 1796.

J. SMITH, *C. S. C. C. C.*

Recorded, 28th August, 1796, in book Q.

GEORGIA, *Chatham County.*

Clerk's Office, Supr. Court, C. C.

I, Robert W. Pooler, Clerk of the Superior Court of the County of Chatham, State aforesaid, do hereby certify, that the foregoing is a true copy of the record of said office.

In testimony whereof, I have hereunto set my hand and seal of office, this fifth day of October, anno Domini eighteen hundred and thirty. [L. S.]

ROBERT W. POOLER,
C'lk. S. C. C. C.

B.

Articles of agreement, entered into this 4th day of December, 1810, between Benjamin Jewell, on the one part, and Sophia Prevost, on the other.

Whereas, the said Benjamin Jewell and Sophia Prevost have cohabited for several years past, and have had eight children, but are both now willing and desirous to separate and live asunder, on certain terms and conditions, hereinafter specified: Now this instru-

ment of writing witnesseth, that the said B. Jewell and Sophia Prevost, do agree, henceforward to live separate and asunder. The said B. Jewell, on his part, consents and engages, that the said Sophia Prevost shall have under her sole and absolute control, and free from all restraint or control by the said B. Jewell, the following children, viz: Juliana, Daniel and Washington; each child having its clothing.

The said Sophia Prevost, on her part, engages and consents, that the said B. Jewell shall have under his sole and absolute control, and free from all restraint or control by the said Sophia Prevost, the following children, viz: Benjamin, Joseph, Hannah, Hetty, and Delia, with their clothing. The said Sophia is to pay all the expenses of clothing, education, and maintenance of the children above allotted to her; and the said Benjamin Jewell is to pay all the expenses of clothing, education and maintenance of the children allotted to him, and moreover, engages to pay for one year's schooling, viz., the sum of forty dollars, for the child Juliana, in order to complete her schooling. The said Sophia engages not to disturb the said Benjamin, in respect to the management of the children allotted to him, nor in any manner control or interfere with them; and the said Benjamin engages in like manner, in respect to those children assigned to the said Sophia.

And in consideration of this separation and consent to live asunder, the said Benjamin engages to pay to the said Sophia Prevost the sum of three thousand dollars, and to give her a bill of sale of the fellow Jesse, the girl Harriet, the wench Nancy, with her three children, Charlotte, Mary and Charles; also the following articles of furniture: 1 arm-chair, 6 chairs, 1 settee, 1 large looking-glass, 1 toilet do., 1 bureau, 1 piano-forte, 2 bedsteads and bedding, 1 carpet, 1 tea-table, with the tea sett of china, 2 trunks, 1 silver candlestick, and one branch, 1 tea-pot, 6 tea-spoons, 3 soup-spoons, 1 silver fork.

And in consideration of the above, on the part of said Benjamin Jewell, the said Sophia Prevost doth hereby release and discharge the said Benjamin from all claims and demands whatsoever.

In witness whereof, the parties to these presents have set their hands, this 4 Dec'r, 1810.

BENJ. JEWELL,
SOPHIE PREVOST.

Charleston, S. C.

Wm. L. Smith, being duly sworn, made oath, that he was present and saw Benjamin Jewell and Sophia Prevost sign their names, respectively, to the foregoing instrument, for the purposes therein mentioned.

Sworn before me, this 30 January, 1811.

STEP. LEE, *J. P.*

Secretary's Office, Charleston.
Recorded in Book of Miscellaneous Records, C. C. C. C., page 430, this 30 Jan'y, 1811, and examined by

STEP. LEE,
Sec'y of State.

STATE OF LOUISIANA, *Parish of Pointe Coupee.*

I, the undersigned, Judge of the Parish of Pointe Coupee aforesaid, do hereby certify, that the present document was duly recorded in my office, in book D, on this 29th of Dec'r, 1833.

[L. S.] In testimony whereof, I have hereunto set my hand and affixed my seal of office.

A. ROBIN, (*Judge.*)

UNITED STATES OF AMERICA,
District of South Carolina.

Ne varietur :

C. ROSELIUS,
R. HUNT.

ROE, dem. JEWELL, *ads.* JEWELL.

Depositions of witnesses, sworn and examined by virtue of a commission directed to us in the above entitled suit.

And then, personally came and appeared before us, Samuel Hyams, aged seventy-one, who being duly sworn, in answer says,

To the 1st inter'y. "I am seventy-one years of age, and live retired from business."

To the 2d. "I was acquainted first with Benj. Jewell when a boy, in London, fifty odd years ago, and knew him afterwards in Charleston, in 1804 or 1805. Our acquaintance continued until a short time before his death. We were very intimate."

To the 3d. "I knew Sophia Jewell, his wife. My acquaintance with her commenced at Benj. Jewell's house, in Charleston, in 1804 or 1805, and has continued until the present time."

To the 4th. "Benjamin Jewell and Sophia lived together, as husband and wife; they were received in society as such, and called themselves by these names."

To the fifth. "I never suspected that they lived on any other footing than that of husband and wife."

To the sixth. "I never heard any rumor or intimation, public or private, that they were not man and wife."

To the seventh. "They were received in respectable society, as husband and wife."

To the 8th. "I was present at the circumcision of two of their children, and was godfather to one of them. Their names were Joseph and Benjamin."

To the 9th. "Benjamin Jewell and Sophia lived together very affectionately, and their children were regarded as the legitimate offspring of their marriage."

To the 10th. "I know no other matter, except that I was informed by a gentleman, whose name I forget, that he was present at the marriage of Benjamin Jewell and Sophia Prevost; and the inference to be drawn from the fact, that illegitimate children are never circumcised."

To the additional interrogatory:

Benj'n Jewell was a remarkably shrewd and cunning man; well acquainted with business. His wife, Sophia, spoke the English language very badly, and did not read it at all. She was a native of St. Domingo, and could have been easily deceived as to any legal instrument. From my knowledge of her, I have no doubt that Benjamin could have fooled her at any time.

Ne varietur:

C. ROSELIUS,
R. HUNT.

Cross-interrogatories.

To the 1st, witness says, "I have answered this question in my examination in chief."

To the 2d. "I never knew or heard any thing of the papers marked A or B; but I did hear, from rumour, that Benj. Jewell and his wife had made a deed of separation; what it was, I did not know."

To the 3d. "I never heard that Benj. Jewell and Sophia lived together without being married."

To the 4th. There must be some ceremony, but there is no necessity for it to be of a religious character."

To the 5th. "I know nothing of any paper, referred to in this question."

To the 6th. "I never did hear that Sophia married any other man, during the life time of Benjamin Jewell; but I heard that she lived with another man.

To the 7th. "I always thought that Jewell and Sophia were married, and never heard a hint to the contrary."

To the 8th. "I never heard that Sophia was the concubine of Benj. Jewell. I never heard any question about the matter."

To the 9th. "I heard that Benj. Jewell had married a second wife, after he separated from Sophia; but I never knew that she married another man, although she lived with one, in said Jewell's life time."

To the 10th. "I never knew that Benj. Jewell and Sophia were other than man and wife."

SAM'L HYAMS.

Ne varietur:

C. ROSELIUS,
R. HUNT.

Sworn to and subscribed, before us, this 17th day of March, 1837.

C. ROSELIUS,
RANDALL HUNT.

The undersigned commissioners do hereby certify, that *that* by virtue of the annexed commission, to us directed, by the honorable the United States District of South Carolina, we did, this seventeenth day of March, 1837, in the city of New Orleans, at the office of C. Roselius, one of the commissioners, (being the time and place appointed by us,) proceed to the taking of the depositions of Isaac Emanuel and Samuel Hyams; that we caused the said witnesses to come before us, and examined each of them apart, upon their respective corporal oaths, first taken before us; that we propounded the different interrogatories, separately, to each of said witnesses, and reduced the answers thereto to writing; that the answers of Emanuel were written in the proper hand-writing of C. Roselius, one of the commissioners, and the answers of Hyams, by Randall Hunt, in his proper hand-writing. That we have fixed and sealed the several sheets on which the depositions are written together, and set our hands and seals at the bottom of the whole, and our hands to each sheet; and that we have taken the oath specified in the schedule.

In faith whereof, we have hereunto set our hands and seals, this 17th March, 1837, at the city of New Orleans, State of Louisiana.

C. ROSELIUS, [L. S.]
R. HUNT. [L. S.]

Note.—The depositions of Isaac Emanuel were not read in evidence at the trial.

And the said defendants, further to maintain the said issue on their part, called the following witnesses, who testified as follows:

Morris Goldsmith testified that he knew Samuel Hyams; he was a very respectable man. That Mr. Hyams' standing in society was such that he never would have permitted any person to visit at his house whose respectability was impeached; that Mr. Hyams had daughters; he was very particular as to whom he associated with; that his (the witness's) first acquaintance with Mrs. Jewell (Sophia) was through an aunt of his, a Mrs. Alexander; that if Mrs. Jewell was not treated with respect by every person, he is sure that his aunt would not have visited her; that she did as much to build up the fortunes of Benjamin Jewell as he did himself.

On his cross-examination, this witness testified that he knew Benjamin Jewell until he left Charleston; that he had heard that there was some fuss between Benjamin Jewell and Mrs. Jewell—but he does not recollect what it was about.

(The paper containing receipts, signed by Sophie Prevost on the

11th day of January, 1811, in the presence of Cheny Moise, and on the 17th December, 1810, in the presence of L. Levin, was then shown to the witness.)

And this witness further testified, that he knew Cheny Moise well; he was an auctioneer; a man of integrity; that he is satisfied that Cheny Moise saw her (Sophie) sign the paper, or was himself satisfied that she had done so; that Lewis Levin was well acquainted with Benjamin Jewell; that illegitimates are not excluded from the right of circumcision.

On his examination in reply, this witness testified, that when Benjamin Jewell left Charleston his acquaintance with him ceased; that up to the time of his departure, he (the witness) had never heard any slanders against Sophie (Mrs. Jewell;) that she had the appearance when he last saw her of being nearly purblind.

[*Note.*—For paper referred to, see ante, pages 58 and 59.]

Dr. Jacob De La Motta testified, that he has in his possession a book, in which his father recorded the operations of circumcision performed by him; that his father was authorized, from his station, to perform that ceremony; that the book referred to was kept by his father for his own gratification; that the general interpretation of the word "garim," (mentioned in the entry in the said book of the 8th of November, 1803, respecting the circumcision of two sons of Benjamin Jewell) is stranger; that he, the witness, was present when Benjamin and Joseph were named; that the operation of their circumcision was performed in Benjamin Jewell's house; that he saw the mother—she passed as Mrs. Jewell—she was called Mrs. Jewell; that the ceremony of circumcision is an occasion on which persons call their family together.

On his cross-examination, this witness testified, that illegitimate children are not excluded from circumcision.

In the course of the examination of this witness, the book (referred to by him in his testimony) containing records of circumcision, kept by his father, E. De La Motta, was produced, and extracts therefrom read in evidence, which are in the words and figures following, to wit:

"On the eighth of November, 1803, corresponding with twenty-third Hesvan 5564, circumcised two sons of Benjamin Jewell, one of five years of age, named Benjamin, the other on the eighth day, named Joseph. Garim, 48th and 49th operation."

"On the twelfth Tisri 5569, answering to Oct'r. 3d, 1808, *circumstanced* a son of Benjamin Jewell, named Daniel. 109th operation.

And the said defendants, further to maintain the said issue on their part, produced in evidence a mortgage from Benjamin Jewell to Jacint Laval, sheriff of Charleston district, dated 9th April, 1806, of "all that lot of land, number sixty-three, on East Bay

street, containing twenty-four feet in front on said street, more or less; and one hundred and twenty-seven feet in depth, more or less; bounding to the north on Peter Zylstra; to the south on Philip Cohen; to the west on John David Thomas; and to the east on said street. Also, all that lot of land on the north side of Unity alley, measuring feet in front, by feet in depth, which communicates from the said alley to the above premises." And read in evidence a renunciation of dower, endorsed on the said deed, which said renunciation of dower is in the words and figures following, to wit:

Renunciation of dower.

STATE OF SOUTH CAROLINA.

I, Samuel House, one of the Justices of the Quorum, do hereby certify unto all whom it may concern, that Sophia Jewell, the wife of the within named Benjamin Jewell, did this day appear before me, and upon being privately and separately examined by me, did declare, that she did freely, voluntarily, and without any compulsion, dread or fear of any person or persons whatsoever, renounce, release and forever relinquish unto the within named Jacint Laval, sheriff of Charleston district, his heirs and assigns, all her interest and estate; also, all her right and claim of dower of, in, or to all and singular the premises within mentioned and released.

Given under my hand and seal, this fifth day of May, in the year of our Lord one thousand eight hundred and six.

SOPHIE JEWELL.
SAM'L. HOUSE, Q. U. [L. S.]

And the said defendants then produced a deed of conveyance in fee, from Benjamin Jewell to John Oates, dated the ninth of July, 1819, of two lots of land in the city of Charleston, State of South Carolina; and read in evidence a renunciation of dower in the said premises—which said renunciation of dower is in the words and figures following, to wit:

Renunciation of dower.

SARAH I. JEWELL, to JOHN OATES.

STATE OF SOUTH CAROLINA.

By the honorable Elihu Hall Bay, one of the Associate Judges of the Court of Common Pleas of the State aforesaid, to Peter Domenon, of the Parish of Point Coupée in the State of Louisiana: whereas, by a certain deed of conveyance, bearing date the day of July, in the year eighteen hundred and nineteen, and made by Benjamin Jewell, he, the said Benjamin Jewell, for the consideration in the deed of conveyance or release mentioned, did grant,

bargain, sell and release unto John Oates, of the city of Charleston, in the State of South Carolina, all that lot and house situate, lying and being on East Bay street, in the said city of Charleston, measuring and containing in front on said street twenty-four feet, more or less; and in depth from east to west one hundred and twenty-seven feet, more or less; and butting and bounding to the east on East Bay street aforesaid; to the south on land of the said John Oates, and also on land of Orran Byrd; to the north on land of the estate of Zylstra; and to the west on land, now or late, of John D. Thomas. And also, that lot of land situate in the said city, on the north side of Unity alley, measuring and containing in front on the said alley eight feet and a half; and in depth from south to north seventy-five feet; and butting and bounding to the south on the said alley; to the west on land of Abigail Huff; to the east on land of Orran Byrd; and to the north on the above mentioned premises thereby sold, together with all and singular the rights, member, hereditaments and appurtenances, to the said premises belonging, or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the said John Oates, his heirs and assigns, forever.

And whereas, Sarah, the wife of the said Benjamin Jewell, is at present absent from Charleston, and cannot immediately come to Charleston to make and declare her free and voluntary relinquishment unto the said John Oates, his heirs and assigns, of all her interest and estate, and also all her right and claim of dower, of, in, or to all and singular the said two lots of land and premises in the said deed of conveyance or release described, and released without great inconvenience. Therefore, considering the state of the said Sarah Jewell, in this behalf, you are hereby commanded, and full power and authority is hereby given and granted unto you to go to the said Sarah Jewell, and take such renunciation, release and acknowledgment as she shall make before you in the premises, and such release, renunciation and acknowledgment to certify under your hand and seal to the Associate Judge of the State of South Carolina, within the space of two months after the same shall be by you so taken, according to the law and usage of the said State; and have you then and there this writ.

Witness honorable Elihu H. Bay, one of the Associate Judges of the said State, at Charleston, the day of in the year eighteen hundred and nineteen, and in the forty- year of the independence of the United States of America.

E. H. BAY. [L. S.]

The execution of this writ appears by the renunciation or release hereto annexed.

Witness my hand and seal in the Parish of Pointe Coupée, this ninth day of September, one thousand eight hundred and nineteen.

DOMENON, *Parish Judge.*

STATE OF LOUISIANA.

By Peter Dormenon, Judge of the Parish of Pointe Coupée, named and appointed in and by the writ or commission of Dedimus potestatem hereunto annexed, issuing out of the honorable the Court of Common Pleas of the State of South Carolina.

To the honorable, the Associate Judges of the State of South Carolina.

I, Peter Dormenon, of the Parish of Pointe Coupée, in the State of Louisiana above, and in the annexed commission or writ of dedimus potestatem named, hereby certify unto all whom it may concern, that Sarah I. Jewell, the wife of Benjamin Jewell, of the Parish of Pointe Coupée aforesaid, in the said State, did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release, and forever relinquish unto John Oates, of the city of Charleston, in the State of South Carolina, his heirs and assigns, all her interest and estate, and also all the right and claim of dower, of, in, or to, all and singular the two lots of land and premises sold and conveyed by the said Benjamin Jewell to the said John Oates, by deed of release, bearing date the day of July, in the year eighteen hundred and nineteen; the said two lots of land being situate in the city of Charleston, and State of South Carolina; one of them situate on East Bay street, in the said city, and measuring and containing in front on said street twenty-four feet, more or less; and in depth, from east to west, one hundred and twenty-seven feet, more or less; and butting and bounding to the east on East Bay street aforesaid; to the south on land of the said John Oates, and also on land of Orran Byrd; to the north on land of the estate of Zylstra; to the west on land, now or late, of John D. Thomas the other lot of land, situate in the said city, on the north side of Unity alley, and measuring and containing in front, on the said alley, eight feet and a half; and in depth, from south to north, seventy-five feet; and butting and bounding to the south on the said alley; to the west on land of Abigail Huff; to the east on land of Orran Byrd; and to the north on the first mentioned lot.

Given under my hand and seal, this ninth day of September, in the year eighteen hundred and nineteen, and in the forty-fourth year of the independence of the United States of America.

SARAH I. JEWELL, [L. S.]
DORMENON, *Parish Judge.*

Witness:
JAMES MITCHELL,
F. GOULD.

And hereupon, the testimony to maintain and prove the said issue on the part of the said defendants, was closed. Whereupon, the counsel, learned in the law, of the said plaintiff, further to maintain and prove the said issue, on his part, called the following witnesses, who testified as follows, that is to say:

Charles A. Magwood testified, that he remembers Benjamin Jewell perfectly well; he left Charleston; that the father of the witness was the agent of Benjamin Jewell; and that he, the witness, has receipts in his possession for money paid on account of Benjamin Jewell, from the year 1824 to 1828 or 1829; that his father received for Benjamin Jewell the rents of the property in dispute; that Benjamin Jewell had stock in the Union Insurance Company; that in the year 1828 Benjamin Jewell said to the witness, in New York, that he wished the witness's father to dispose of the house at the corner of Unity alley.

Joseph W. Page testified, that he knew Benjamin Jewell and Sophia; that Benjamin Jewell told him that he had married into a respectable family in Virginia; that Benjamin Jewell called Sophia his wife, and said that he had settled with her; that he, the witness, asked him why he had separated from his former wife, and his answer was, that "she was a damned whore;" that when he, the witness, returned to Charleston, he met Mrs. Jewell; she was a smart woman; he told her that he had met with her husband in New York, and she replied that she had no husband; that she had separated from him; and that "he was good for nothing;" that he, the witness, heard that there was an uproar at Benjamin Jewell's, and the separation occurred shortly afterwards.

On his cross-examination, this witness testified, that he knew Benjamin Jewell from the time of his coming to Charleston, until he went away. That Benjamin Jewell and Sophia passed as husband and wife; and that he, the witness, has heard them address each other as husband and wife.

Anthony Barbot testified, that he lived with Benjamin Jewell five or six months as his clerk, when he kept a store at the corner of Unity alley and East Bay, in the year 1806. That he knew Sophie (Mrs. Jewell.) That it was not believed among those with whom he, the witness, was acquainted, that she and Benjamin Jewell were married. She was a brisk, active woman, not well educated; she spoke the English language not very fluently, but well enough to be understood. That she and Benjamin Jewell were not supposed to be married, because she was believed to be a woman of color. That he, the witness, heard a doubt expressed as to their being married; heard the doubt expressed by Mr. Plumeau, among others. That he himself did not consider them as married. That she went sometimes to the Catholic church; he never knew her and Benjamin Jewell to go to church together. That she and Benjamin Jewell did not live happily together; they often quarreled.

On his cross-examination, this witness testified, that Mrs. Jewell occupied the situation of mistress of Benjamin Jewell's house. That Benjamin Jewell sometimes called her wife, and sometimes called her Sophie. That when absent, Benjamin Jewell would address letters to her as Mrs. Jewell. She conducted the business of Benjamin Jewell in his absence. She and Benjamin Jewell had children about their house, who addressed them as "mamma" and "papa." She sat at the head of Benjamin Jewell's table. That he, the witness, recollects Mr. Hyman's being a visiter at the house of Benjamin Jewell; that Mrs. Jewell used to sell in Benjamin Jewell's store; that she and Benjamin Jewell had a daughter named Julia; they had four children, but he does not recollect the names of all the children.

C. F. Matthiesen testified, that he knew Benjamin Jewell in 1805 or 1806; that Benjamin Jewell and Sophia appeared to live very unhappily together; that he never heard to the contrary that she was not the wife of Benjamin Jewell; that when Mr. Simons married Benjamin Jewell's daughter, Benjamin Jewell told him, (the witness,) that his child was to be married to Simons; that he never heard that they were married, and never heard that they were not married; that he had heard a question as to the color of Mrs. Jewell; that he never heard any person say whether they (Mr. and Mrs. Jewell) were married or not, until after Simons' marriage.

On his cross-examination, this witness testified, that Mr. Simons died in the house of the witness, and that Simons' widow lived in Orangeburgh.

And the said plaintiff, further to maintain and prove the said issue on his part, produced and read in evidence the depositions of witnesses taken under commissions issued for their examination in this case, with the document thereto annexed, and extracts from notes of evidence taken by one of the Judges of the said Court at a former trial of this case; which said depositions, documents and extracts from notes of evidence, are in the words and figures following, to wit:

THE UNITED STATES OF AMERICA,
6th Circuit So. Carolina District.

S. I. JEWELL, et al.,
vs.
BENJAMIN JEWELL, et al.

Interrogatories for R. W. Pooler, Esq., Clerk of the Court, and keeper of the records of Chatham county, in the State of Georgia, a witness to be examined on the part of plaintiffs.

1. Was it not required in Georgia, in 1796, that persons should get a license to marry?

2. Have you ever examined the records in Savannah to ascertain whether there is evidence of any license granted to Benjamin Jewell to marry Sophia Prevost? If there is any license on record for Jewell's marriage, is it a license to marry Sophia Prevost?

3. Is there not some record of the appointment of justices of the peace, by which the fact may be known?

4. Have you examined the records to know whether such a man as White was a justice of the peace in Savannah, in 1796? If there was a justice White, what was his given name, or name of baptism? Was he a trading justice, and how long did he continue in the trade? Where did he live in 1837?

5. Did you know the late Charles Harris of Savanah? Do you know his hand-writing? Look at the paper herewith shown you, and say whether it is his hand-writing? What was the character of Mr. Harris? Was he or was he not distinguished in the State? Do you know whether he understood and spoke French fluently? Would he have been capable of making oath to the fact that Sophia Prevost signed that paper, if it was not so?

6. Look at the paper herewith shewn you, and say whether it is not found in the records of the clerk's office, to be recorded, and to have been admitted to record on the oath of Mr. Harris; and whether the record does not correspond with the original before you?

Note.—For paper here referred to, see ante, page 30.

PETIGRU & LESESNE,
Plaintiff's Attorneys.
LEVI S. D'LYON &
R. M. CHARLTON, Esq.
Plaintiff's Commissioners.

BENJAMIN JEWELL
ads.
S. I. JEWELL, et al.

Cross-interrogatorie for R. W. Pooler, Esq., clerk of the Court and keeper of the public records of Chatham county, in the State of Georgia, a witness to be examined on the part of the plaintiff.

1. How long have you been in your present employment? What business did you pursue previously? What is your age?

2. If you answer the first interrogatory in chief, in the affirmative, state by what authority was such license required? Was it by positive enactment? or was it merely a practice among certain individuals, in conformity with the usages to which themselves or their ancestors had been accustomed in England? If the latter, was it general or restricted? If such license was required by positive

law, annex a certified copy of the said law to your answer to the interrogatory.

3. By the law, was a marriage void where there was no license? Was not such a marriage deemed and considered good and effectual to all intents and purposes in law, where the parties lived publicly for many years as man and wife?

4. Was not Mr. White one of the Aldermen or a member of the Common Council of the city of Savannah, in the years 1794, 1795 or 1796, or either of them; or at any other, and what particular time? Are not such city officers ex-officio justices of the peace? Declare fully and particularly.

5. In your answer to the 4th interrogatory in chief, explain what you mean by a trading justice; and if you declare that Mr. White was one, state fully and at large your reasons for forming such an opinion.

6. Were you personally and intimately acquainted with Charles Harris? How long were you acquainted with him? How did you obtain your knowledge of his hand-writing? Did you ever see him write, and how often?

7. Do you know any thing tending to shew that Benjamin Jewell and Sophia Prevost were married? Were they not generally received and known in Savannah as man and wife? Declare fully all you know, have heard and do believe on this subject, together with the sources from whence you derived your information.

BENTHAM & HUNT,
Defts. Atty's.

THE UNITED STATES OF AMERICA,
Sixth Circuit, South Carolina District.

S. I. JEWELL, and al., }
vs.
BENJ. JEWELL and al. }

Examination and depositions of witnesses sworn and examined by the undersigned commissioners, in virtue of the annexed commission, issuing out of the Honorable the Sixth Circuit Court of the United States for the District of Carolina, and taken and reduced to writing in the city of Savanah.

Robert W. Pooler, being duly sworn, answers and deposes unto the annexed direct interrogatory, as follows:

1. To the first direct interrogatory, the witness answers and deposes, that it was required in Georgia, in seventeen hundred and ninety-six (1796,) that persons should get a license to marry.

2. To the 2d direct inter'y, the witness answers and says, that he has examined the said records, and can find no evidence of any license granted to Benjamin Jewell to marry Sophia Prevost.

3. To the 3d direct inter'y, the witness answers and says, that

justices of the peace were then (in 1796) nominated by the inferior courts of the counties, and commissioned by the Governor of the State; the said nominations were entered upon the minutes of the said courts, and the record thereof still remains.

4. To the 4th direct inter'y, the witness answers and says, that on an examination of the said minutes, the name of White does not appear as a justice of the peace in Savannah, in the said year 1796, or at any time previous.

5. To the 5th direct inter'y, the witness answers and says, that he did know the late Charles Harris of Savannah, and is well acquainted with his hand-writing, having often seen him write; the words, "witness Charles Harris," in the paper exhibited to witness, are in the proper hand-writing of the said Charles Harris, and so is the signature, "Charles Harris," to the probate thereof; no other portion of said paper is in the hand-writing of the said Charles Harris. The said Charles Harris was of the highest standing and character, and was a distinguished man in the State; he did understand and speak French fluently; witness does not believe that he would have been capable of making oath to the fact that Sophie Prevost signed that paper, if it was not so.

To the 6th direct inter'y, the witness answers and says, that the said paper exhibited to witness is found on the records of the clerk's office of the superior court of the county of Chatham, and to have been admitted to record on the oath of Mr. Harris. The said record corresponds with the original paper exhibited except that the words in the probate, "duly execute and deliver the same," do not appear on the record. Witness found the said paper recorded in book Q, folios 155 and 156, as endorsed on said paper.

ROBERT W. POOLER.

GEO. J. KOLLOCK, } *Commr's.*
ROB. M. CHARLTON, }

To the first cross-interrogatory, the said witness, Robert W. Pooler, answers and deposes, that he has been clerk as aforesaid upwards of eleven years; witness before that time was an attorney at law; witness is forty-three years of age.

2. To the 2d cross-inter'y, the witness answers and deposes, that such license was required by a statute of the State of Georgia, passed in the year seventeen hundred and eighty-nine; it was by positive enactment; witness annexes a certified copy of the said law.

3. To the 3d cross-inter'y, the witness answers and deposes, that a marriage was not void where there was no license, as will appear by a certified copy of the said statute. Witness refers to said statute for an answer to the rest of the question.

4. To the 4th cross-inter'y, the witness answers, that he does not know whether the said White was an alderman or member of the common council in the years 1794, 1795 or 1796; the said aldermen, or as they were then called, wardens, were ex-officio justices of the

peace, for all purposes, within the town and hamlets of Savannah.

5. To the 5th cross-inter'y, the witness answers, that he refers to his answer to the fourth direct interrogatory.

6. To the 6th cross-inter'y, the witness answers, that he was personally and intimately acquainted with Charles Harris; was acquainted with him for upwards of twenty-five years; witness studied law in the office of said Charles Harris, and saw him write a great many times.

7. To the 7th cross-inter'y, the witness answers, that he knows nothing of the matter.

ROBERT W. POOLER.

Answered, subscribed and sworn to before us, this 3rd August, 1840.

GEORGE J. KOLLOCK.
ROBERT M. CHARLTON.

Certified copy of act of the General Assembly of the State of Georgia, referred to in the answer of Robert W. Pooler to the second cross-interrogatory.

GEORGE I. KOLLOCK,
ROBERT M. CHARLTON,
Commr's.

An act to carry into effect the sixth section of the fourth article of the Constitution, touching the distribution of the intestate estates, directing the manner of granting letters of administration, letters testamentary and marriage licenses.

1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met: That the true construction of the sixth section of the fourth article of the constitution, shall, and is declared hereby, to be as follows: When any person holding real and personal estate, shall depart this life intestate, and without will, the said estate, real and personal, shall be considered as altogether of the same nature and upon the same footing; so that in case of there being a widow and children or child, they shall draw equal shares thereof, unless the widow shall prefer her dower; in which event she shall have nothing further out of the real estate than such dower; but shall, nevertheless, receive her proportionable part or share out of the personal estate. In case any of the children shall have died before the intestate, their lineal descendants shall stand in their place and stead; in case of there being a widow and no child or children, or legal representatives of children, then the widow shall draw a moiety of the estate, and the other moiety shall go to the next of kin in equal degree, and their representatives. If no widow, the whole shall go to the child or children; if neither widow, child, or children, the whole shall be distributed among the next of kin in the equal degree, and their representatives; but no representatives shall be

admitted among the collaterals further than the child or children of the intestate's brothers and sisters. If the father or mother be alive, and a child dies intestate and without issue, such father (or the mother in case the father be dead, and not otherwise,) shall come in on the same footing as a brother or sister would do.

The next of kin shall be investigated by the following rules of consanguinity, that is to say, children shall be nearest, parents, brothers and sisters shall be equal in respect to distribution, and cousins shall be next to them. The half blood shall be admitted to a distributive share of the real and personal estate, in common with the full blood.

2. And be it further enacted, That the same rules shall obtain in regard to the granting letters of administration on intestate estate, as are before mentioned for the distribution thereof; and should any case arise which is not expressly provided for by this act, respecting intestate's estates, the same shall be referred to, and determined by the common law of this land, as it hath stood since the first settlement of this State, except only that real and personal estate shall always be considered in respect to such distribution, as being precisely on the same footing.

And in cases of intermarriage, since the twenty-second day of February, one thousand seven hundred and eighty-five, the real estate belonging to the wife shall become vested in, and pass to the husband in the same manner as personal property doth. And in case of the death of the husband, thereafter intestate and without will, the said estate shall descend and become subject to distribution in the same manner as personal property.

3. And be it further enacted, by the authority aforesaid, that all letters of administration shall be granted, letters testamentary issued by, and the proving of wills be before the register of probates of the county; and where applications are made for letters of administration, the register shall give thirty days' notice thereof in some public gazette, and by advertisement at the court house in each county, before such letters shall be granted; but such register shall, or may at his discretion, grant letters to collect and take care of the estate and effects of the deceased, as well during the thirty days, as pending any suit touching the right of granting such administration or otherwise, as the occasion shall require, taking good and sufficient security from the person or persons to whom he shall grant such temporary letters.

4. And be it further enacted by the authority aforesaid, that the Judge or Judges of the Superior Court shall be, and they are hereby authorized and empowered, to take cognizance of, to hear and determine all controversies respecting the proving of wills and testaments, the granting letters testamentary, and letters of administration; and that in all cases wherein a caveat has been before entered, and is yet undetermined, or wherein a caveat may be hereafter entered, to prevent the proving of a will, granting letters tes-

tamentary, or letters of administration, the register of probates shall, twenty days before the first meeting of the Superior Court of each county, make up the record of all proofs and allegations touching the matter in dispute before them, and lay the same before the Judge or Judges of the Superior Court, who, after hearing the parties and considering the proofs exhibited or to be exhibited, shall proceed to determine on such caveat, agreeably to the rules and principles of law and equity.

5. And be it further enacted, That where the register of probates applies for letters of administration, or letters testamentary, the same shall in such case only be granted by the clerk of the county, under the regulations herein contained; provided, always, that a record of such proceedings shall, nevertheless, be made in the office of such register after the proceedings are completed.

6. And be it further enacted, That the register of probates in each county, shall grant marriage licences to any minister of the gospel, or justice of the peace, to join persons of lawful age, and authorized by the levitical degrees to be joined together in the holy state of matrimony; and where such persons intending to marry shall have the banns of the marriage published three times in some public place of worship, it shall be lawful for such minister or justice to marry the persons so published aforesaid; and any persons marrying without such licence or publication, the person marrying them shall forfeit one hundred pounds, to be recovered for the use of the academy of the county.

SEABORN JONES,
Speaker of the House of Representatives.
NATHAN BROWNSON,
President of the Senate.
EDWARD TELFAIR, *Governor.*

December 23rd, 1789.

STATE OF GEORGIA, *Chatham county:*

CLERK'S OFFICE, *Superior Court.*

I, Edward G. Wilson, deputy clerk of the Superior Court aforesaid, do hereby certify that the aforegoing is a true copy from Watkins' Digest of the laws of Georgia.

In testimony whereof, I have hereunto set my hand and [L. S.] seal of office, this twenty-seventh August, A. D., eighteen hundred and forty.

EDWARD G. WILSON,
Dep. Cl'k Sup. C. C. C.

Commission to examine Levi S. D'Lyon.

UNITED STATES, *District of South Carolina:*

The State of South Carolina, to Robert W. Pooler, John Miller, and George I. Kollock, Esqrs., greeting:

Whereas, a certain cause is now depending in the court of United States, wherein Sarah Jewell and others are plaintiffs, and Benj. Jewell and others are defendants; and it being necessary to the investigation of the said cause, that certain persons resident in Savannah should be examined on certain interrogatories: Now know ye, that in confidence of your prudence, ability and integrity, you are by these presents appointed, and full power and authority are given hereby to you, any two or more of you, diligently to examine all witnesses whatsoever, upon certain interrogatories to be exhibited to you, as well on the part of the said plaintiffs as on the part of the said defendants or either of them; and therefore you, any two or more of you are hereby authorized and required, on certain days, and at certain places, *or* to be appointed by you for that purpose, to cause the said witnesses to come before you, and then and there to examine each of them apart on the said interrogatories, on their respective corporal oaths first taken before you, any two or more of you, and to take such their examinations and reduce them into writing on paper; and when you shall have so taken them, to send the same to the clerk of the said court of the United States at Charleston, in the State aforesaid, closed up, and under your seals distinctly and plainly set, together with the said interrogatories and this writ; and you, and every of you, are hereby further required, that before you act in, or be present at the swearing or examining of any *of* witness or witnesses, you do severally take the oath first specified in the schedule hereunto annexed; and you, any two or one of you, are hereby authorized and empowered, jointly or severally, to administer such oath to the rest, or any other of you, and you are hereby further authorized and required, jointly and separately, to administer the oath last specified in the said schedule hereunto annexed, to all and every of the clerks or clerk employed in taking, transcribing or engrossing the deposition or depositions of witnesses so examined by virtue of these presents, before they or he shall be permitted to act as clerks or clerk, or be present at such examination.

Witness the Hon. Roger B. Taney, chief justice, &c., this day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the 62d year of the sovereignty and independence of the United States of America.

[SEAL OF COURT.] JAMES JERVEY.

Commissioners' Oath.

You shall, according to the best of your knowledge, truly, faithfully and without partiality to any or either of the parties in this cause, take the examination and deposition of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now produced and left with you; and you shall not publish, disclose or make known to any person or persons whatsoever, except the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of witnesses, or any of them, to be taken by you and the other commissioners in the commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of the court of the United States. So help you God.

ROBERT W. POOLER, *Comm'r.*
GEORGE I. KOLLOCK, *Comm'r.*

Clerk's Oath.

You shall, truly, faithfully and without partiality to any or either of the parties in this cause, take and write down, transcribe and engross the depositions of all and every witness and witnesses produced before, and examined by the commissioners or any of them named in the commission hereunto annexed, as far forth as you are directed and employed by the said commissioners, or any of them, to take and write down and engross the said depositions or any of them; and you shall not publish, disclose or make known to any persons whatsoever, the contents of all or any of the depositions of the witnesses or any of them, to be taken or written down, transcribed or engrossed by you, or whereto you shall have recourse, or be any ways privy, until publication shall pass by rule or order of the court of the United States. So help you God.

(No clerk was employed, the witness having written out his testimony.

ROBERT W. POOLER, *Comm'r.*
GEORGE I. KOLLOCK, *Comm'r.*)

May 12th, 1838.

Instructions for the commissioners.

The commissioners must first attend to the instructions contained in the commission; after which, when they are proceeding to business, they will put the first interrogatory to the first witness produced, and set down his answer thereto, on a sheet entitled "Depositions of witnesses sworn and examined," &c.

When done with this, they will put the second interrogatory, and set down his answer to that also, and so on till they have finished

putting the interrogatories to him. They will then proceed to examine such other witnesses as may be produced, in which case they will entitle their depositions in the same manner as those of the first, with the difference of the parties' name, age, &c. They will then fix and seal the several sheets together, and set their hands and seals at the bottom of the whole, and their hands to each sheet, leaving the covering sheet on the outside of the whole. Then enclose the whole commission in a large paper, well sealed up with their seals, with their names affixed thereto, and having first endorsed the packet on a corner thereof, with the names of the parties in the same manner as is done on the covering sheet of the depositions, direct the same to James Jervey, Esq. clerk of the United States, at Charleston.

If this commission is returned by post, one of the commissioners who examined the witness, must endorse and sign a certificate that the same was lodged by himself in the post-office.

U. States of America,
6th Circuit So. Carolina District.

Sarah I. Jewell & al.
vs.
Benjamin Jewell.

Interrogatories for Levi S. D'Lyon, a witness to be examined for the plaintiffs, residing in Savannah.

1. Are you a resident of Savannah, and extensively acquainted there?

2. Is there living in Savannah, or has there been in Savannah, the last three years, a person called White, then, or formerly, and for many years a justice of the peace for the city or county?

3. Has there been at any time, within the recollection of the oldest people, a justice of the peace in Savannah, by the name of White?

PETIGRU & LESESNE, *Pl'ffs Att'ys.*
R. W. POOLER, *Pl'ffs Comm'r.*

You will please take notice, that, after expiring of the usual period, a commission will be issued to examine Mr. Levi S. D'Lyon, on the prefixed interrogatories.

PETIGRU & LESESNE, *Pl'ffs Att'ys.*

To Col. Hunt, *Df'ts Atty.*
6 April, 1838.

Cross-Interrogatories.

1. How old are you?

2. Have you made inquiries among the old residents of Savannah? and if so, say,

3. Whether one Benj. Jewell and Sophia, his wife, did or not keep a clothing store, or some other store, in Savannah, in or about 1795, '6, or '7?

4. Were they, or not, usually known and received in society as man and wife, and were they not commonly reputed as such?

5. Do you know whether it was usual, as far back as 1795, for magistrates to marry persons?

6. If you speak of one White, a magistrate, be pleased to search the records, and say if there was such a magistrate about that time, and name such aged inhabitants as you may enquire of, as to the fact that there was such a magistrate, or one named Pooler?

7. State if you have not heard of Benj. Jewell, as a known resident of Savannah, and that his wife was Sophia Jewell?

HUNT, *Deft's Att'y.*
MILLER & KOLLOCK, Esquires,
Deft's Comm'rs.

SARAH I. JEWELL and al.
vs.
BENJAMIN JEWELL.

Depositions of a witness, sworn and examined before the undersigned commissioners, by virtue of the annexed commission, taken at the city of Savannah, this day of May, one thousand eight hundred and thirty-eight.

Levi S. D'Lyon, aged forty-three years, and upwards, being sworn and examined, deposed as follows, to the direct and cross-interrogatories:

1. To the first direct inter'y, the witness answers and says, that he is a resident of Savannah, was born there, and has resided in said city from his infancy to the present time.

2. To the 2d direct int'y, the witness answers and says, that there is not living in Savannah or Chatham County, a person named White, who has ever acted in the capacity of a justice of the peace; nor has a person of that name ever acted in that capacity, in the city and county aforesaid, within the knowledge or recollection of witness. If such a person had ever acted in that capacity, either in the city or county, within the last thirty-five years, witness must have derived some knowledge of the fact. Witness has examined public records, in the County of Chatham, referring back to a period of fifty years, and could find the name of no such person as White, who ever acted in the county or city in the capacity of a justice of the peace.

3. To the 3d, the witness answers and says, that he has inquired

of several old inhabitants of this city, among whom is Sheftall Sheftall, Esq., who was appointed a justice of the peace in the year 1796, and transacted from that time much of the public county and city business, in holding elections, presiding at the trial of slaves, &c., and it does not come within their or his recollection that such a person as White was ever a justice of the peace for Chatham County, or the city of Savannah.

LEVI S. D'LYON.

Answered, subscribed and sworn to, this twelfth day of May, 1838, before us.

ROBERT W. POOLER, *Com'r*, [L. S.]
GEORGE I. KOLLOCK, *Com'r*. [L. S.]

The said Levi S. D'Lyon, being examined upon the annexed Cross-Interrogatories, answered as follows:

1. To the 1st cross-int'y, the witness answers and says, that from a record of his birth, in the hand-writing of one of his parents, which he saw many years ago, he is upwards of forty-three years of age.

2. To the 2d cross-int'y, the witness answers and says, that he has made inquiry in relation to a person named White, supposed to have acted as a justice of the peace in the city of Savannah, and county of Chatham. Witness refers to his answer to the 3d direct interrogatory, for the result of his inquiries.

3. To the 3d cross-inter'y, the witness answers and says, that he has heard from several old inhabitants of Savannah, that one Benjamin Jewell did reside there many years ago, and that he kept a store or shop. Witness has heard his ancestors say, and also other persons, that Jewell had a woman living with him in the character of a mistress. Witness has read the record of an instrument, made and executed by them, witnessed by the late Charles Harris, Esq., which shows that they were not man and wife, and confirms the previous accounts of these persons, which witness had before received. Witness had the original paper in his possession, and returned it to the person from whom he received it.

4. To the 4th cross-int'y, the witness answers and says, that he cannot speak as to any general reputation on the subject, but he has heard from many old persons residing in Savannah, and from his ancestors repeatedly, that Miss Sophie, the woman who lived with Jewell, was living with him as a mistress. Witness recollects a circumstance mentioned by his parents, in relation to Jewell, which impresses upon his mind the recollection of the facts above stated. It is this: owing to the cruel treatment of Jewell, or his woman, one of his house-servants threw two or three of her children in a public well in the city, and followed them herself. They were taken out, after several had died. The circumstance excited

much sensation in the community, and it was in reference to this circumstance, on one occasion, that the parents of witness spoke to him in relation to these persons.

5. To the 5th cross-int'y, the witness answers and says, he thinks it was usual for magistrates to marry persons, as far back as the year 1795. The law upon that subject, which was passed after the adoption of our State Constitution, is still in force.

6. To the 6th cross-int'y, the witness answers and says, that he has searched a vast number of records, referring back to a period of fifty years, and he has never met with any paper or document shewing that there ever was a justice of the peace of the name of White in Chatham County, or the city of Savannah. Witness has made strict enquiry of Sheftall Sheftall, Esq., one of the oldest inhabitants of the city, and who was appointed a justice of the peace for Chatham County, in the year 1796. This gentleman transacted much of the public business of the county, such as holding elections, presiding on trials of slaves and free persons of color, and he has never heard or known of a person named White, having acted in that capacity. Witness knew John Pooler, Esq., who was a justice of the peace for Chatham County many years.

7. To the 7th cross-int'y, the witness answers and says, that he has repeatedly understood that Benjamin Jewell was a resident of Savannah, but he has never heard any person say that he was a married man. Benjamin Jewell was represented to have been an Israelite, and seems to have been well known in Savannah, by persons of the same religious faith. Witness never understood from any person, that the woman he lived with was his wife. Witness had no knowledge of these persons himself, but has often heard them spoken of as persons of immoral character, and living in the manner the witness has already stated.

LEVI S. D'LYON.

Answered, subscribed and sworn to before us, this 12th day of May, 1838.

ROBT. W. POOLER, *Com'r*, [L. S.]
GEORGE I. KOLLOCK, *Com'r*. [L. S.]

Extracts from Notes of Evidence taken by Judge Lee, at a former Trial. (Testimony of John H. Berry.)

"JEWELL *vs.* JEWELL. } 20 May, 1839.

"*Mr. Berry.*—In 1795, he was asked to come and eat plumb-cake. They lived together as man and wife in Savannah. He has seen the man called White, the justice, in Savannah; heard Catonnet tell his father that White, the justice, married Mrs. Jewell."

And extracts from notes of evidence taken by one of the counsel of the defendants, at a former trial of this case, were then produced and read in evidence, which said extracts are in the words and figures following, to wit:

Extracts from Notes of Evidence taken by M. King, Esq., at a former trial. (Testimony of John H. Berry.)

"JEWELL *vs.* JEWELL. } 20 May, 1839.

"Mr. *John H. Berry*—Knew her brother, Dickany, in 1795; her brother invited me in and told me his sister had got married, and asked me in to get cake and cordial, and I went in and got some. He carried her to his house. My brother fell in love with her sister. Fire in 1796. Jewell and wife left Sav'a after the fire. Witness met them here in 1801. She passed as his wife. Jewell was a keen man in business. Mrs. Jewell speaks broken English. I never heard any thing said against her. There were half a dozen persons present. And they afterwards lived together as man and wife. The Prevost family came here; made segars. Jewell lived on the Bay. They visited each other. Jewell a Jew. Prevost, Roman Catholic. It was a general report that they were married by a magistrate, because he was a Jew, and she a Catholic. I knew them as man and wife 10 or 12 years. They conducted themselves well in Savannah. It was reported they were a White, a magistrate. I cannot say that I knew White, the justice. I have seen the man called White, the justice, in 1798; he used to come to my father's house; he used to write for him. I do not know if he was then a justice; he was afterwards in the Custom-House. Mrs. Jewell, or Catonnet, I think, he named White. I think Catonnet told my father, this must have been in '97 or '98. There was a frolic at my father's; Jewell was there, not Mrs. Jewell. I do not know why my father was discussing why they were married by a magistrate. I think I was then 11 or 12 years old. The last time I saw White, he was living by the burying-ground; that is about 8 years. I cannot say where he has lived since that time. I do not know if White be alive. It is 8 years since I knew of him. At that time he was taken into the Custom-House. He was an old man when he went into the Custom-House. It was matter of curiosity that a Jew and Catholic should marry. Catonnet knew all about it."

And in the record of proceedings of said court, on the twenty-second day of April, in the aforesaid year of our Lord one thousand eight hundred and forty-one, is the following entry:

825.

S. I. JEWELL, et al., }
vs.
BENJ'N JEWELL, et al. }

Mr. Legaré was heard in behalf of the plaintiffs in this case; Mr. King and Mr. Hunt, in behalf of the defendants; and Mr. Petigru, in reply, for the plaintiffs.

The Court then charged the jury, and they retired to their room.

And before the jury aforesaid retired from the bar of the court, the plaintiff, by his attorneys aforesaid, filed in court the following bills of exceptions.

First Bill of Exceptions.

The first bill of exceptions, filed as aforesaid, is in the words and figures following, to wit:

THE UNITED STATES OF AMERICA,
Sixth Circuit, South Carolina District:

DOE, ex dem. JEWELL, }
vs. } Ejectment.
JEWELL. }

The plaintiff, to sustain his action, proved the marriage of Benjamin Jewell on the 30 June, 1812, with Sarah Isaacs, one of the lessors; the seisin of Benjamin Jewell; his death; and that the other lessors of the plaintiff are the issue of that marriage.

The defendants, to defeat the plaintiff's action, and prove themselves the heirs at law of Benjamin Jewell, examined Sophia Storne, who testified to a prior marriage between her and Benjamin Jewell; and that he held her out as his lawful wife; and that eight children were born during the time they lived together; and offered in evidence, to sustain their defence, the testimony on the part of the defendants contained in the schedule annexed to this bill of exceptions. To rebut which evidence, the plaintiff offered the deeds and papers annexed to this bill of exceptions, signed by Sophia Storne, by the name of Sophia Prevost, and gave evidence that the said Benjamin and Sophia separated in December, 1810; and then offered in evidence the declarations of one Simons, the deceased husband of one of the defendants, that his wife's mother was not married to her father; which evidence the court overruled, and the plaintiff excepted thereto. And the plaintiff further offered in evidence a file of the Charleston Courier for the year 1811, and showed that the manuscripts, or originals, from which

the paper of that day was published, are lost or mislaid; and that the Charleston Courier was then the leading commercial paper in Charleston, where the parties lived, and offered to read from the file the following notice, as published on the 22d January, 1811, and for three successive weeks from that time, viz:

"Notice.

"The subscriber forbids all persons from giving credit to Mrs. Sophia Prevost, on his account, as he will pay no debts whatever she may contract.

(Signed,) BENJAMIN JEWELL."

But the court refused to allow the evidence to be read; to which ruling of the court, the plaintiff excepted.

JAMES M. WAYNE,
R. B. GILCHRIST.

Filed 22d April, 1841.

Second Bill of Exceptions.

The second bill of exceptions, filed as aforesaid, is in the words and figures following, to wit:

JEWELL
vs.
JEWELL.

And at the trial of the said cause, after the parties had produced the evidence in the schedule hereto annexed, the plaintiffs desired the said justices to instruct the jury, as follows:

1. That if Sophia Prevost and Benjamin Jewell agreed to live in concubinage, and, under that agreement, cohabited together, the connexion is not matrimony, although they passed themselves off, to other persons, as man and wife.

2. That if Benjamin Jewell and Sophia Prevost asserted, contrary to the fact, that they were married, when, in reality, they had agreed to cohabit without marriage, such assertion will not change the nature of their connexion so as to legitimate the children that were the produce of that union.

3. That if the jury do not believe that Benjamin Jewell and Sophia Prevost were married by a magistrate in Savannah, in the year 1796, or before that time, then there is no evidence of a marriage before them, on which they can find the defendants to be the legitimate heirs of Benjamin Jewell.

4. That if the said Benjamin and Sophia were living in concubinage in 1796, under the agreement produced in evidence, and

continued to cohabit together afterwards, such cohabition will not amount to marriage, notwithstanding their representations to third persons, unless there was a distinct agreement between them, to rescind the former agreement, and to stand to each other thence-forward in the relation of husband and wife. And that if such new agreement be relied on, it ought to be established by satisfactory proof, and cannot be inferred from common reputation.

5. That if there was a promise of marriage, followed by sexual intercourse between Benjamin Jewell and Sophia Prevost, and she afterwards sued him for breach of marriage promise, or received a sum of money in satisfaction of the injury done her by refusing to marry her, the promise is thereby released, and the promise and subsequent intercourse do not constitute the parties man and wife.

6. That a promise to marry at a future time, followed by cohabitation, does not constitute marriage, though the promise be accepted at the time when it was made.

And the defendants prayed the justices to instruct the jury:

1. That if they believe that before any sexual connexion between Miss Prevost and Benjamin Jewell, Mr. Jewell and Miss Prevost, in the presence of her family and his friends, agreed to marry, and did afterwards live together as man and wife, the tie was indissoluble even by mutual consent.

2. That if the jury believe a marriage was celebrated in Savannah by a magistrate, the moment the celebration was over, the contract was perfect and indissoluble.

3. That even if the paper signed in Savannah in March, 1796, was signed by Sophia Prevost, and was so signed when she was unmarried, still it was not an indissoluble contract, but one which the parties were at full liberty to cancel and retract. And that the constant admission by both parties that they were man and wife, their reception in society, his calling her to renounce her dower, are evidence to authorize the jury to draw the conclusion that Mr. Jewell and Sophia Prevost had concluded and agreed to become and live together as lawful husband and wife prior to 1810; and if so, the separation does not affect the right of the children of that marriage: they are legitimate.

And the said justices refused the third instruction prayed by the plaintiffs. And as to the sixth instruction prayed by the plaintiffs, the said justices instructed the jury, that "if the contract be made per verba de presenti, and remains without cohabitation, or, if made per verba de futuro, and be followed by consummation, it amounts to a valid marriage, and which the parties (being competent as to age and consent) cannot dissolve; and it is equally binding, as if made in facie ecclesia." (Kent's Com., 3rd edit., 2 vol., 86 p.) To which refusal and instruction, the plaintiffs except. And the

said justices gave the first instruction prayed by the defendants;—to which the plaintiffs also except.

Wherefore, the said plaintiffs, because the matter aforesaid doth not appear by the verdict of the jury, required of the same justices this present bill; to which the said justices did put their seals at Charleston, in the court aforesaid, the twenty-second day of April, in the year one thousand eight hundred and forty-one.

JAMES M. WAYNE, [SEAL.]
Associate Jus. Sup. Co. U. S.

R. B. GILCHRIST, [SEAL.]
Judge of the U. S. for the Dist of So. Ca.

And in the record of proceedings of said court, on the twenty-third day of April, in the aforesaid year of our Lord one thousand eight hundred and forty-one, is the following entry:

S. I. JEWELL, et al.,
vs.
BENJAMIN JEWELL, et al.

The jury brought in the following verdict in this case; which was ordered to be recorded:

Verdict.

We find for the defendant.

JOSEPH A. WINTHROP,
Foreman.

And afterwards, to wit, on the tenth day of May, in the aforesaid year of our Lord, one thousand eight hundred and forty-one, being a day of the aforesaid April term of said court, judgment was signed in the foregoing cause; which said judgment is in the words and figures following, to wit:

Judgment.

Therefore, it is commanded, that the Marshal of the South Carolina District aforesaid, do summon forty-eight good and lawful men, to be drawn by ballot, according to the directions of the act of the General Congress of the said United States, in such case made and provided, to be and appear before the Chief Justice of the United States of America, and his associate justices, at the circuit court to be holden at Charleston on the second Tuesday of April, Anno Domini one thousand eight hundred and forty-one, in and for the South Carolina District aforesaid, by whom and so forth, and who neither and so forth, to recognize and so forth; be-

cause as well and so forth; and the same day is given to the parties aforesaid, at the place aforesaid. And afterwards, that is to say, on the day and at the place aforesaid, before the justices aforesaid, come as well the said plaintiffs, by their attorneys aforesaid, as the said defendants, by their attorneys aforesaid; and the jurors aforesaid being demanded, some of them, to wit, Joseph A. Winthrop, T. R. Chew, George Taylor, Edmund O'Neille, J. W. Caldwell, N. F. Petit, Robert Adger, Frederick Hilgen, Joseph N. Harper, John Clarken, Joseph P. McCall, and J. J. Catherwood, did come, and being drawn by ballot, according to the directions of the said act of the General Congress aforesaid, and sworn of the jury aforesaid, to say the truth of the within contained, do, on their oaths, say, that the said defendants are not guilty of the several trespasses within laid to their charge, in manner and form as the said plaintiffs have within complained against them. Therefore, it is considered by the said court here, that the said plaintiffs take nothing by their said writ, but that they, and their pledges to prosecute, be in mercy, and so forth. And it is further considered by the said circuit court before the aforesaid justices thereof, now here, that the said defendants do recover against the said plaintiffs the sum of three hundred and three dollars eighty-one cents, for their costs and charges by them laid out about their defence in this behalf, by the said court, before the aforesaid justices thereof, now here adjudged to the said defendants, and with their assent, according to the form of the statute in such case made and provided, and that the said defendants have execution thereof, and so forth.

BENTHAM & HUNT, *Deft's Attys.*

Judgment signed 10th May, 1841.

H. Y. GRAY, *Clk. Cir. Ct.*

And afterwards, to wit, on the eleventh day of May, in the year last aforesaid, the said Sarah I. Jewell filed in the office of the clerk of said court her bond, with security, to prosecute the writ of error of the plaintiffs in error; which said bond was approved by the honorable Robert B. Gilchrist, judge of the United States for the District of South Carolina, and is in tenor and form following, to wit:

Bond.

THE UNITED STATES OF AMERICA,
South Carolina District.

Know all men by these presents, that we, Sarah I. Jewell and James L. Petigru, are held and firmly bound unto Benjamin Jewell, Samuel Rickenbaker and Juliana, his wife, Joseph Jewell, Verg

Aigné and Hannah, his wife, Jacob Myers and Delia, his wife, Daniel Jewell and Washington Jewell, in the full and just sum of seven hundred dollars, lawful money of the United States of America, to be paid unto the said Benjamin Jewell, Samuel Rickenbaker and Juliana, his wife, Joseph Jewell, Verg Aigne and Hannah, his wife, Jacob Myers and Delia, his wife, Daniel Jewell and Washington Jewell, their certain attorney, executors, administrators, or assigns. To which payment, well and truly to be made and done, we bind ourselves, and each and every of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the eleventh day of May, in the year of our Lord one thousand eight hundred and forty-one, and in the sixty-fifth year of the independence and sovereignty of the said States.

Whereas, a judgment has been obtained in the sixth circuit court of the said United States, for South Carolina District, by the said Benjamin Jewell, Samuel Rickenbaker and Juliana, his wife, Joseph Jewell, Verg Aigné and Hannah, his wife, Jacob Myers and Delia, his wife, Daniel Jewell and Washington Jewell, against the said Sarah I. Jewell, and Lewis D'Aigre and Isabella, his wife, Henry L. Camp and Amelia, his wife, Maria Jewell, Clarissa Jewell, Jane Jewell, and Alexander Jewell; which said judgment was duly entered up on the tenth day of May, in the aforesaid year of our Lord one thousand eight hundred and forty-one.

And whereas, the said Sarah I. Jewell, Lewis D'Aigre and Isabella, his wife, Henry L. Camp and Amelia, his wife, Maria Jewell, Clarissa Jewell, Jane Jewell, and Alexander Jewell, have since prayed a writ of error from the Supreme Court of the said United States, at Washington.

Now, the condition of the above obligation is such, that if the aforesaid Sarah I. Jewell, Lewis D'Aigre and Isabella, his wife, Henry L. Camp and Amelia, his wife, Maria Jewell, Clarissa Jewell, Jane Jewell, and Alexander Jewell, the plaintiffs in error, shall prosecute their writ of error to effect, and answer and pay all such damages and costs as shall be adjudged, if they *to* fail to make their plea good, and in all respects conform to and abide by such order or orders as may be made in the premises; then and in such case, the foregoing obligation shall be void, or else to remain in full force and virtue.

S. I. JEWELL, [SEAL.]
J. L. PETIGRU. [SEAL.]

Taken and acknowledged before me,

R. B. GILCHRIST, *Judge*
of the United States for the District of South Carolina.

DISTRICT OF SOUTH CAROLINA, *sct:*

I certify that the above named S. I. Jewell and J. L. Petigru

appeared before me, and severally acknowleged the above instrument to be their act and deed; and the security being by me deemed amply sufficient, I hereby approve said bond.

R. B. GILCHRIST, *Judge*
of the United States for the District of South Carolina.

11th May, 1841.

UNITED STATES OF AMERICA,
District of South Carolina.

I, Henry Y. Gray, Clerk of the Circuit Court of the United States for the Sixth Circuit, South Carolina District, do hereby certify that the foregoing is a full, true, and complete transcript of the record and proceedings of the said Circuit Court, in the foregoing cause, herewith transmitted to the Supreme Court of the United States, in pursuance of the writ of error hereunto annexed.

In testimony whereof, I hereto subscribe my name, and affix the seal of said Circuit Court, at office in the city [L. S.] of Charleston District, aforesaid, this sixteenth day of November, A. D. one thousand eight hundred and forty-one.

H. Y. GRAY, *Clerk.*

Filed 8 Jan'y, 1842.